

## ADDENDUM

MARTINSVILLE CIRCUIT  
Commonwealth of VA

vs.

Case No.:CR19000009-00  
HILL, BRIAN DAVID

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I, Jean P. Nunn, Clerk of the Martinsville Circuit, certify that the contents of the record listed in the table of contents constitute the true and complete record, except for exhibits whose omission are noted in the table of contents, and are hereby transmitted to the Court of Appeals on February 14, 2023.

LETTER TO CLERK OF THE COURT OF APPEALS OF VIRGINIA  
AND CLERK OF THE CIRCUIT COURT FOR THE CITY OF  
MARTINSVILLE

RE: BRIAN DAVID HILL V. COMMONWEALTH OF VIRGINIA AND  
CITY OF MARTINSVILLE; CAV RECORD # 0173-22-3

RE: COMMONWEALTH OF VIRGINIA AND CITY OF MARTINSVILLE  
V. BRIAN DAVID HILL; CASE NO. CR19000009-00

TUESDAY, FEBRUARY 8, 2022

<b><u>ATTN: Clerk of the Court – Hon. A. John Vollino</u></b>	<b>Court of Appeals of Virginia 109 North Eighth Street Richmond, VA 23219-2321 Phone: (804) 786-5651 email: <a href="mailto:cavbriefs@vacourts.gov">cavbriefs@vacourts.gov</a></b>
<b><u>ATTN: Clerk of the Court - Hon. Ashby R. Pritchett</u></b>	<b>Circuit Court for the City of Martinsville 55 W. Church Street Martinsville, VA 24114-1206 Phone: (276) 403-5106 Fax: (276) 403-5232 email: <a href="mailto:APritchett@vacourts.gov">APritchett@vacourts.gov</a></b>

Dear Clerk of the Court of Appeals of Virginia,  
Clerk of the Circuit Court for the City of Martinsville,  
CC: Respondents Glen Andrew Hall, Esquire; and Attorney General of Virginia

I am now in a weird situation, a bazaar situation. It may be Glen Andrew Hall, Esquire pulled some stunt behind the scenes. He may be innocent. I am now blocked from serving a copy of my pleadings with Glen Andrew Hall, and when I mean blocked, my mother is blocked from emailing a copy of an officially filed pro se pleading with the Court with officer of the Court, Glen Anrdew Hall, Esquire by email. His email is blocking her. SPAM COP thinks she is spamming Glen Andrew Hall, Esquire. I don't understand how serving a copy of a pleading filed with a Court is spamming here???

However I know that with the new Virginia Law which gives me a better chance for a new trial in the Circuit Court or being found innocent of my wrongful criminal conviction of indecent exposure under Virginia Code, that dirty tricks may be pulled.

PAGE 1 OF 3 - LETTER TO CAV AND CLERK OF CIRCUIT COURT RE: GLEN HALL

My mother reported to me that her email which was successfully emailed to Clerk Hon. Ashby Pritchett and a CC was for Glen Andrew Hall, Esquire, with my last pleading: "NEW MEDICAL EVIDENCE" of medical evidence received from an entity of the Commonwealth of Virginia, Martinsville City Jail. It was blocked from receipt of Glen Andrew Hall, Esquire, and her email was marked as "SPAM" and was blocked by SPAM COP. Since when is serving a pleading illegal??? warranting SPAM COP here???

Now every time I ask her to email a pleading for me with the Circuit Court or with any Court official, that is not spam and should not be reported as spam. It should not be labeled as spam or regarded as spam. By labeling it spam, it blocks court pleadings from officers of the Court.

The adding of a legal email to a spam database is obstruction of filing a paper with the court, it is an obstruction of justice or fettering with a communication with the officer of a court.

I attach to this letter, Roberta Hill's attempt to email the pleading to the Clerk with a copy to officer of the Court: Glen Andrew Hall, Esquire. That email was blocked. Roberta Hill sent a request to SPAM COP to unblock her email address from the officer of the Court but later she informed me that they are refusing to unblock her or unblacklist her. She has given me the copies of the emails printed in PDF as proof.

So this may be retaliation by Glen Andrew Hall, which I am suspicious that Glen Andrew Hall may be doing this on purpose to block her from all Martinsville City email addresses including the following officers of the Court:

1. Nancy Sherman; Deputy Clerk of the Circuit Court at [nsherman@ci.martinsville.va.us](mailto:nsherman@ci.martinsville.va.us);
2. Jeanie Nunn, Deputy Clerk of the Circuit Court at [jnunn@ci.martinsville.va.us](mailto:jnunn@ci.martinsville.va.us);
3. Officer of the Circuit Court; Glen Andrew Hall, Esquire at [ahall@ci.martinsville.va.us](mailto:ahall@ci.martinsville.va.us); attorneys are officers of the court.

All are blocking [rbhill67@comcast.net](mailto:rbhill67@comcast.net). Roberta Hill never spammed those email addresses. Only emailed pleadings, and proof of receipt from Glen Andrew Hall and asking questions with the Clerks office and engaging in any other forms of official pro se court business whether by the pro se or communicating with an officer of the Court.

My mother gave me the email copy and paste:

Final-recipient: rfc822; [nsherman@ci.martinsville.va.us](mailto:nsherman@ci.martinsville.va.us)

Diagnostic-Code: smtp; 554 Service unavailable; Client host [resqmta-alp-077435.sys.comcast.net] blocked by bl.spamcop.net; Blocked - see <https://www.spamcop.net/bl.shtml?96.103.146.51>

So now SPAM COP has blocked my mother's ability to email a document to an officer of the Court, and that is obstructing the ability to communicate with the Court and provide any newly obtained evidence received from any officer of the Commonwealth of Virginia. The Court might need to order SPAM COP to stop this.

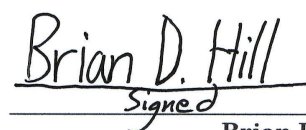
This letter requests that they add [rbhill67@comcast.net](mailto:rbhill67@comcast.net) to their whitelists and allow this email since it is officially registered with the VACES electronic Court filing system for the Court of Appeals and Supreme Court of Virginia.

This Court should inquire why those emails are being blocked. This prevents Roberta Hill from initiating email service of process of the electronic PDF copy of each and every respective filing with the Courts.

Glen Andrew Hall, may be attempting to in some way, shape, or form, attempting the fettering of any service of process by criminal Defendant and Petitioner Brian David Hill.

As an officer of the Court; he must obtain a Court Order allowing him to block service of process and with a good reason, and allow a response from the criminal defendant and Petitioner. He cannot just block emails from electronic filing representative Roberta Hill at [rbhill67@comcast.net](mailto:rbhill67@comcast.net), for no reason at all.

This is an OUTRAGE. I REQUEST SOME ACTION BE TAKEN ASAP.

A handwritten signature in black ink that reads "Brian D. Hill". Below the signature, the word "Signed" is written in a smaller, cursive script.

Brian D. Hill

God bless you,  
Brian D. Hill

Ally of Q, Former news reporter of U.S.W.G.O. Alternative News  
310 Forest Street, Apartment 2  
Martinsville, Virginia 24112  
(276) 790-3505



JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com

**Subject:** Permanent Error  
**From:** mailer-daemon@comcast.net  
**Date:** 2/8/2022, 4:37 PM  
**To:** rbhill67@comcast.net

This is an automatically generated Delivery Status Notification.

Delivery to the following recipients failed permanently:

\* [ahall@ci.martinsville.va.us](mailto:ahall@ci.martinsville.va.us)

Reason: Permanent Error

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Reporting-MTA: dns; resqmta-a1p-077720.sys.comcast.net [96.103.146.35]  
 Received-From-MTA: dns; resomta-a1p-077245.sys.comcast.net [96.103.145.236]  
 Arrival-Date: Tue, 08 Feb 2022 21:37:32 +0000

Final-recipient: rfc822; [ahall@ci.martinsville.va.us](mailto:ahall@ci.martinsville.va.us)  
 Diagnostic-Code: smtp; 554 Service unavailable; Client host [resqmta-a1p-077720.sys.comcast.net] blocked by bl.spamcop.net; Blocked - see <https://www.spamcop.net/bl.shtml?96.103.146.54>

Last-attempt-Date: Tue, 08 Feb 2022 21:37:33 +0000

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— ForwardedMessage.eml —

**Subject:** Martinsville Circuit Court, New Medical Evidence, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill  
**From:** Roberta Hill <rbhill67@comcast.net>  
**Date:** 2/8/2022, 4:37 PM  
**To:** "Hon. Ashby R. Pritchett, Clerk of the Court" <APritchett@vacourts.gov>, Martinsville City Commonwealth's Attorney <ahall@ci.martinsville.va.us>, "Hon. Ashby R. Pritchett, Clerk of the Court" <APritchett@courts.state.va.us>, "Jason S. Miyares, Esq." <mailoag@oag.state.va.us>, nsherman@ci.martinsville.va.us, jnunn@ci.martinsville.va.us  
**CC:** EvidenceInfo@protonmail.com, Tracy Beanz <tracy@uncoverdc.com>, Stanley Bolten <StanleyBolten@protonmail.com>, kenstella@comcast.net, "Celia@uncoverdc.com" <Celia@uncoverdc.com>, "Daniel@uncoverdc.com" <Daniel@uncoverdc.com>, "brian@uncoverdc.com" <brian@uncoverdc.com>, "larry@uncoverdc.com" <larry@uncoverdc.com>, "wendi@uncoverdc.com" <wendi@uncoverdc.com>, VeritasTips@protonmail.com, tips@projectveritas.com, NationalFile@Protonmail.com

Hey Clerk of Circuit Court for the City of Martinsville,  
 CC: Glen Andrew Hall, Esquire. Note: Clerk will be forwarded the Read Receipt / Return Receipt from Glen Andrew Hall to confirm receipt of Motion.

I am Roberta Hill, Brian's mother. I am filing this New Medical Evidence in support of Brian David Hill's Motion for Judgment of Acquittal based upon new evidence... through email to you on Brian's

1508

behalf due to his federal probation conditions where he is not allowed to use the internet. He is having me file this pleading on his behalf. My son is having me to serve the respondents through email as well (their email should be included as [ahall@ci.martinsville.va.us](mailto:ahall@ci.martinsville.va.us)) and the certificate of service is in the PDF file of this filing. This email is also being sent to the Respondent(s) to serve them a copy of this pleading, and may also be faxed as well by Brian D. Hill in the event that email may fail.

Medical records and the evidence pleading is too much for email, so here is a direct link to the pleading needing to be filed with the Court. It is a private link due to the personal medical information. <https://justiceforuswgo.files.wordpress.com/2022/02/new-medical-evidence-support2-8-2022.pdf>

## **LINK WITH PLEADING TO BE FILED:**

**<https://justiceforuswgo.files.wordpress.com/2022/02/new-medical-evidence-support2-8-2022.pdf>**

To Clerk: Please confirm by read receipt or send a response message confirming that you have received this. There is a lot of evidence that the Hon. Giles Carter Greer must review to understand that my son is legally innocent and is entitled to acquittal. Thank You!

This is the new medical evidence my son is to filing due to the receipt of medical records from the Martinsville Sheriff's Office proving medical neglect, this is good enough to warrant an evidentiary hearing or acquittal.

Those emailed by CC are not parties to the case but are interested in watching the case and it's filings with the Clerk's Office. My son is pushing for investigations right now. That is all he is willing to say. It also gives multiple witnesses to the receipt of the filings, as a protection mechanism.

**Note: If you see any criminal activity or corruption going on in the Legal System or in Government, please report these tips to Project Veritas at [VeritasTips@protonmail.com](mailto:VeritasTips@protonmail.com), or go to Project Veritas website.**

Roberta Hill (representative for electronic filing)  
310 Forest Street, Apartment 1  
Martinsville, Virginia 24112

New Medical Evidence in support of Motion for Judgment of Acquittal, case no. CR19000009-00,  
Circuit Court for the City of Martinsville  
Commonwealth of Virginia, City of Martinsville v. Brian David Hill

Defendant:  
Brian David Hill  
310 Forest Street, Apartment 2  
Martinsville, Virginia 24112

Thanks,  
Roberta

Attachments:	
Part 1.3	4.3 KB
ForwardedMessage.eml	17.4 KB



**Subject:** Permanent Error  
**From:** mailer-daemon@comcast.net  
**Date:** 2/8/2022, 4:46 PM  
**To:** rbhill67@comcast.net

This is an automatically generated Delivery Status Notification.

Delivery to the following recipients failed permanently:

\* [jnunn@ci.martinsville.va.us](mailto:jnunn@ci.martinsville.va.us)

Reason: Permanent Error

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Reporting-MTA: dns; resqmta-a1p-077436.sys.comcast.net [96.103.146.34]  
 Received-From-MTA: dns; resomta-a1p-077246.sys.comcast.net [96.103.145.237]  
 Arrival-Date: Tue, 08 Feb 2022 21:46:16 +0000

Final-recipient: rfc822; [jnunn@ci.martinsville.va.us](mailto:jnunn@ci.martinsville.va.us)  
 Diagnostic-Code: smtp; 554 Service unavailable; Client host [resqmta-a1p-077436.sys.comcast.net] blocked by bl.spamcop.net; Blocked - see  
<https://www.spamcop.net/bl.shtml?96.103.146.50>

Last-attempt-Date: Tue, 08 Feb 2022 21:46:17 +0000

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— ForwardedMessage.eml —

**Subject:** Fwd: Permanent Error  
**From:** Roberta Hill <rbhill67@comcast.net>  
**Date:** 2/8/2022, 4:45 PM  
**To:** "Hon. Ashby R. Pritchett, Clerk of the Court" <APritchett@vacourts.gov>, "Hon. Ashby R. Pritchett, Clerk of the Court" <APritchett@courts.state.va.us>, nsherman@ci.martinsville.va.us, jnunn@ci.martinsville.va.us  
**CC:** Ken & Stella Forinash <kenstella@comcast.net>

Hon. Ashby Pritchett,

The Clerk should be notified that Glen Andrew Hall is now blocking service of pleadings by email without explanation or request. Claiming it is blocked because of it being spam. Martinsville Police Department also blocked somebody trying to email evidence of Carbon Monoxide poisoning to Martinsville Police Department. So when they don't want to look at evidence or ignore evidence, they block email accounts.

Glen Andrew Hall is corrupt and is acting like a spoiled brat. Because there is evidence proving him as a liar, he is now blocking emails with pleadings that are proving that he is in contempt of court three times.

Brian has evidence proving that he was a victim of medical negligence. So Glen Andrew Hall needs to be investigated for corruption. He is corrupt. That is why every private attorney was afraid to fight against this lawyer.

Now he blocks emails with the pleadings today. So please serve them with Glen Andrew Hall or maybe the Court needs to order that he not block service of pleadings filed with the Court.

Those emails are not spam since they are officially a criminal defendant's filings with the Court and a copy served with the officer of the court. Glen Andrew Hall should not be labeling official pleadings as "spam". He is abusing his position.

Thanks,

Roberta Hill (Brian Hill had me type this message, and is having me to send this)

----- Forwarded Message -----

**Subject:**Permanent Error

**Date:**Tue, 08 Feb 2022 21:37:33 +0000

**From:**[mailer-daemon@comcast.net](mailto:mailer-daemon@comcast.net)

**To:**[rbhill67@comcast.net](mailto:rbhill67@comcast.net)

This is an automatically generated Delivery Status Notification.  
Delivery to the following recipients failed permanently:

\* [ahall@ci.martinsville.va.us](mailto:ahall@ci.martinsville.va.us)

Reason: Permanent Error

— ForwardedMessage.eml —

**Subject:** Martinsville Circuit Court, New Medical Evidence, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill

**From:** Roberta Hill <[rbhill67@comcast.net](mailto:rbhill67@comcast.net)>

**Date:** 2/8/2022, 4:37 PM

**To:** "Hon. Ashby R. Pritchett, Clerk of the Court" <[APritchett@vacourts.gov](mailto:APritchett@vacourts.gov)>, Martinsville City Commonwealth's Attorney <[ahall@ci.martinsville.va.us](mailto:ahall@ci.martinsville.va.us)>, "Hon. Ashby R. Pritchett, Clerk of the Court" <[APritchett@courts.state.va.us](mailto:APritchett@courts.state.va.us)>, "Jason S. Miyares, Esq." <[mailoag@oag.state.va.us](mailto:mailoag@oag.state.va.us)>, [nsherman@ci.martinsville.va.us](mailto:nsherman@ci.martinsville.va.us), [jnunn@ci.martinsville.va.us](mailto:jnunn@ci.martinsville.va.us)

**CC:** [EvidenceInfo@protonmail.com](mailto:EvidenceInfo@protonmail.com), Tracy Beanz <[tracy@uncoverdc.com](mailto:tracy@uncoverdc.com)>, Stanley Bolten <[StanleyBolten@protonmail.com](mailto:StanleyBolten@protonmail.com)>, [kenstella@comcast.net](mailto:kenstella@comcast.net), "Celia@uncoverdc.com" <[Celia@uncoverdc.com](mailto:Celia@uncoverdc.com)>, "Daniel@uncoverdc.com" <[Daniel@uncoverdc.com](mailto:Daniel@uncoverdc.com)>, "brian@uncoverdc.com" <[brian@uncoverdc.com](mailto:brian@uncoverdc.com)>, "larry@uncoverdc.com" <[larry@uncoverdc.com](mailto:larry@uncoverdc.com)>, "wendi@uncoverdc.com" <[wendi@uncoverdc.com](mailto:wendi@uncoverdc.com)>, [VeritasTips@protonmail.com](mailto:VeritasTips@protonmail.com), [tips@projectveritas.com](mailto:tips@projectveritas.com), [NationalFile@Protonmail.com](mailto:NationalFile@Protonmail.com)

Hey Clerk of Circuit Court for the City of Martinsville,

1512

CC: Glen Andrew Hall, Esquire. Note: Clerk will be forwarded the Read Receipt / Return Receipt from Glen Andrew Hall to confirm receipt of Motion.

I am Roberta Hill, Brian's mother. I am filing this New Medical Evidence in support of Brian David Hill's Motion for Judgment of Acquittal based upon new evidence... through email to you on Brian's behalf due to his federal probation conditions where he is not allowed to use the internet. He is having me file this pleading on his behalf. My son is having me to serve the respondents through email as well (their email should be included as [ahall@ci.martinsville.va.us](mailto:ahall@ci.martinsville.va.us)) and the certificate of service is in the PDF file of this filing. This email is also being sent to the Respondent(s) to serve them a copy of this pleading, and may also be faxed as well by Brian D. Hill in the event that email may fail.

Medical records and the evidence pleading is too much for email, so here is a direct link to the pleading needing to be filed with the Court. It is a private link due to the personal medical information. <https://justiceforuswgo.files.wordpress.com/2022/02/new-medical-evidence-support2-8-2022.pdf>

### **LINK WITH PLEADING TO BE FILED:**

**<https://justiceforuswgo.files.wordpress.com/2022/02/new-medical-evidence-support2-8-2022.pdf>**

To Clerk: Please confirm by read receipt or send a response message confirming that you have received this. There is a lot of evidence that the Hon. Giles Carter Greer must review to understand that my son is legally innocent and is entitled to acquittal. Thank You!

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Those emailed by CC are not parties to the case but are interested in watching the case and it's filings with the Clerk's Office. My son is pushing for investigations right now. That is all he is willing to say. It also gives multiple witnesses to the receipt of the filings, as a protection mechanism.

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Roberta Hill (representative for electronic filing)  
310 Forest Street, Apartment 1  
Martinsville, Virginia 24112

New Medical Evidence in support of Motion for Judgment of Acquittal, case no. CR19000009-00,  
Circuit Court for the City of Martinsville  
Commonwealth of Virginia, City of Martinsville v. Brian David Hill

Defendant:  
Brian David Hill  
310 Forest Street, Apartment 2

Martinsville, Virginia 24112

Thanks,  
Roberta

— Attachments: —

Part 1.3	2.9 KB
Permanent Error.eml	32.8 KB
Attached Message Part	498 bytes
Attached Message Part	4.3 KB
ForwardedMessage.eml	17.4 KB

**Subject:** Permanent Error  
**From:** mailer-daemon@comcast.net  
**Date:** 2/8/2022, 4:46 PM  
**To:** rbhill67@comcast.net

This is an automatically generated Delivery Status Notification.

Delivery to the following recipients failed permanently:

\* [nsherman@ci.martinsville.va.us](mailto:nsherman@ci.martinsville.va.us)

Reason: Permanent Error

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Reporting-MTA: dns; resqmta-a1p-077435.sys.comcast.net [96.103.146.34]  
Received-From-MTA: dns; resomta-a1p-077246.sys.comcast.net [96.103.145.237]  
Arrival-Date: Tue, 08 Feb 2022 21:46:16 +0000

Final-recipient: rfc822; [nsherman@ci.martinsville.va.us](mailto:nsherman@ci.martinsville.va.us)  
Diagnostic-Code: smtp; 554 Service unavailable; Client host [resqmta-a1p-077435.sys.comcast.net] blocked by bl.spamcop.net; Blocked - see <https://www.spamcop.net/bl.shtml?96.103.146.51>

Last-attempt-Date: Tue, 08 Feb 2022 21:46:17 +0000

---

— ForwardedMessage.eml —

**Subject:** Fwd: Permanent Error  
**From:** Roberta Hill <rbhill67@comcast.net>  
**Date:** 2/8/2022, 4:45 PM  
**To:** "Hon. Ashby R. Pritchett, Clerk of the Court" <APritchett@vacourts.gov>, "Hon. Ashby R. Pritchett, Clerk of the Court" <APritchett@courts.state.va.us>, [nsherman@ci.martinsville.va.us](mailto:nsherman@ci.martinsville.va.us), [jnunn@ci.martinsville.va.us](mailto:jnunn@ci.martinsville.va.us)  
**CC:** Ken & Stella Forinash <kenstella@comcast.net>

Hon. Ashby Pritchett,

The Clerk should be notified that Glen Andrew Hall is now blocking service of pleadings by email without explanation or request. Claiming it is blocked because of it being spam. Martinsville Police Department also blocked somebody trying to email evidence of Carbon Monoxide poisoning to Martinsville Police Department. So when they don't want to look at evidence or ignore evidence, they block email accounts.

Glen Andrew Hall is corrupt and is acting like a spoiled brat. Because there is evidence proving him as a liar, he is now blocking emails with pleadings that are proving that he is in contempt of court three times.

Brian has evidence proving that he was a victim of medical negligence. So Glen Andrew Hall needs to be investigated for corruption. He is corrupt. That is why every private attorney was afraid to fight against this lawyer.

Now he blocks emails with the pleadings today. So please serve them with Glen Andrew Hall or maybe the Court needs to order that he not block service of pleadings filed with the Court.

Those emails are not spam since they are officially a criminal defendant's filings with the Court and a copy served with the officer of the court. Glen Andrew Hall should not be labeling official pleadings as "spam". He is abusing his position.

Thanks,

Roberta Hill (Brian Hill had me type this message, and is having me to send this)

----- Forwarded Message -----

**Subject:**Permanent Error

**Date:**Tue, 08 Feb 2022 21:37:33 +0000

**From:**[mailer-daemon@comcast.net](mailto:mailer-daemon@comcast.net)

**To:**[rbhill67@comcast.net](mailto:rbhill67@comcast.net)

This is an automatically generated Delivery Status Notification.  
Delivery to the following recipients failed permanently:

\* [ahall@ci.martinsville.va.us](mailto:ahall@ci.martinsville.va.us)

Reason: Permanent Error

— ForwardedMessage.eml —

**Subject:** Martinsville Circuit Court, New Medical Evidence, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill

**From:** Roberta Hill <[rbhill67@comcast.net](mailto:rbhill67@comcast.net)>

**Date:** 2/8/2022, 4:37 PM

**To:** "Hon. Ashby R. Pritchett, Clerk of the Court" <[APritchett@vacourts.gov](mailto:APritchett@vacourts.gov)>, Martinsville City Commonwealth's Attorney <[ahall@ci.martinsville.va.us](mailto:ahall@ci.martinsville.va.us)>, "Hon. Ashby R. Pritchett, Clerk of the Court" <[APritchett@courts.state.va.us](mailto:APritchett@courts.state.va.us)>, "Jason S. Miyares, Esq." <[mailoag@oag.state.va.us](mailto:mailoag@oag.state.va.us)>, [nsherman@ci.martinsville.va.us](mailto:nsherman@ci.martinsville.va.us), [jnunn@ci.martinsville.va.us](mailto:jnunn@ci.martinsville.va.us)

**CC:** [EvidenceInfo@protonmail.com](mailto:EvidenceInfo@protonmail.com), Tracy Beanz <[tracy@uncoverdc.com](mailto:tracy@uncoverdc.com)>, Stanley Bolten <[StanleyBolten@protonmail.com](mailto:StanleyBolten@protonmail.com)>, [kenstella@comcast.net](mailto:kenstella@comcast.net), "Celia@uncoverdc.com" <[Celia@uncoverdc.com](mailto:Celia@uncoverdc.com)>, "Daniel@uncoverdc.com" <[Daniel@uncoverdc.com](mailto:Daniel@uncoverdc.com)>, "brian@uncoverdc.com" <[brian@uncoverdc.com](mailto:brian@uncoverdc.com)>, "larry@uncoverdc.com" <[larry@uncoverdc.com](mailto:larry@uncoverdc.com)>, "wendi@uncoverdc.com" <[wendi@uncoverdc.com](mailto:wendi@uncoverdc.com)>, [VeritasTips@protonmail.com](mailto:VeritasTips@protonmail.com), [tips@projectveritas.com](mailto:tips@projectveritas.com), [NationalFile@Protonmail.com](mailto:NationalFile@Protonmail.com)

Hey Clerk of Circuit Court for the City of Martinsville,

CC: Glen Andrew Hall, Esquire. Note: Clerk will be forwarded the Read Receipt / Return Receipt from Glen Andrew Hall to confirm receipt of Motion.

I am Roberta Hill, Brian's mother. I am filing this New Medical Evidence in support of Brian David Hill's Motion for Judgment of Acquittal based upon new evidence... through email to you on Brian's behalf due to his federal probation conditions where he is not allowed to use the internet. He is having me file this pleading on his behalf. My son is having me to serve the respondents through email as well (their email should be included as [ahall@ci.martinsville.va.us](mailto:ahall@ci.martinsville.va.us)) and the certificate of service is in the PDF file of this filing. This email is also being sent to the Respondent(s) to serve them a copy of this pleading, and may also be faxed as well by Brian D. Hill in the event that email may fail.

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Roberta Hill (representative for electronic filing)  
310 Forest Street, Apartment 1  
Martinsville, Virginia 24112

New Medical Evidence in support of Motion for Judgment of Acquittal, case no. CR19000009-00,  
Circuit Court for the City of Martinsville  
Commonwealth of Virginia, City of Martinsville v. Brian David Hill

Defendant:  
Brian David Hill  
310 Forest Street, Apartment 2

Martinsville, Virginia 24112

Thanks,  
Roberta

— Attachments: —

---

Part 1.3	2.9 KB
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Dispute listing of 96.103.146.50

Criteria for listing and delisting may be found in our FAQ.

An IP will automatically delist when there have been no new reports for 24 hours. There is no need to write to us and explain how you have resolved the spam issue.

Before you dispute this listing, please examine your system for these common problems:

- [Trojan/virus infestations or script exploits.](#)
- [Misdirected delayed bounces and auto-responders.](#)
- [SMTP AUTH insecurity.](#)

96.103.146.50 listed in bl.spamcop.net (127.0.0.2)

Please fill out this form to contact SpamCop personel (or see instructions below for emailing directly). We will attempt to respond within 24 hours. All fields are required.

Name or handle:

Roberta Hill

Email address:

rbhill67@comcast.net

Some information has already been captured by this form:

Reason for contact: *BL dispute*

Additional details: *IP:96.103.146.50*

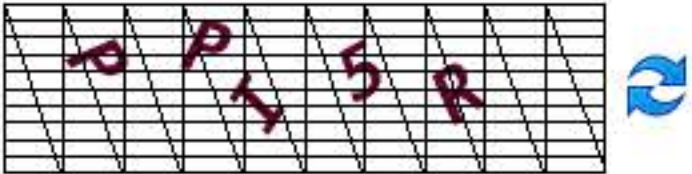
Refering page:

Here, you may provide any other details you feel are pertinent:

I am being blocked for legally serving a copy of a pleading with the Circuit Court for the City of Martinsville and the Clerk's Office. Your fettering with court business.

I have been sending pleadings to nsherman@ci.martinsville.va.us, jnunn@ci.martinsville.va.us, and ahall@ci.martinsville.va.us who is an officer of the Court.

Those are not spam. They are pleadings filed with the Court.



Enter code:

PPI5R

Send

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA

v.

ORDER  
Case No. CR19000009-00

BRIAN DAVID HILL

UPON CONSIDERATION of the defendant's Motion for Judgment of Acquittal, which the Court treats as a Petition for Writ of Actual Innocence, it is ORDERED that said petition is hereby DENIED on the ground that the petition should have been filed in the Court of Appeals, and that this court, accordingly, lacks jurisdiction.

ENTER: This 10<sup>th</sup> day of February, 2022.

  
Judge

Endorsement is dispensed with – Rule 1:13

**RECORD NO. 0173-22-3**

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**In The  
Court of Appeals  
Of Virginia**

**Brian David Hill,**

*Petitioner,*

**v.**

**Commonwealth of Virginia,  
City of Martinsville,**

*Respondent.*

**AN ORIGINAL ACTION  
IN THE COURT OF APPEALS OF VIRGINIA**

**NOTICE OF APPEAL**



**Brian David Hill – Ally of Q  
Founder of USWGO Alternative News  
310 Forest Street, Apt. 2  
Martinsville, Virginia 24112  
(276) 790-3505**



---

*Pro Se Petitioner*

**– JusticeForUSWGO.wordpress.com**

NOW COMES the Petitioner Brian David Hill, by and through Brian David Hill (“Petitioner”) who is acting pro se in this action before this Honorable Court, the Court of Appeals of Virginia, hereby respectfully moves to file this Notice of Appeal. The Notice of Appeal is to appeal the final decision of the Court on February 10, 2022 by the Court of Appeals of Virginia denying the Petition for the Writ of Actual Innocence without oral argument, without appointing counsel, and without an evidentiary hearing.

Respectfully Filed/Submitted on February 10, 2022,

**BRIAN DAVID HILL**  
**Pro Se**

  
Signed  
**Brian D. Hill**

Brian David Hill – Ally of Q  
Founder of USWGO Alternative  
News  
310 Forest Street, Apt. 2  
Martinsville, Virginia 24112  
(276) 790-3505  
*Pro Se Appellant*



## **CERTIFICATE OF TRANSMISSION AND SERVICE**

On February 10, 2022, Due to the conditions of Brian David Hill's Supervised Release not allowing me to access the internet, I filed this Petition with the Court by having my Mother and Assistant Roberta Hill through [rbhill67@comcast.net](mailto:rbhill67@comcast.net) or [rbhill67@justiceforuswgo.nl](mailto:rbhill67@justiceforuswgo.nl), filed the original pleading through Virginia Appellate Courts Electronic System (VACES) as well as [rbhill67@justiceforuswgo.nl](mailto:rbhill67@justiceforuswgo.nl) emailing a PDF file copy of this Petition to [cavbriefs@vacourts.gov](mailto:cavbriefs@vacourts.gov). A copy has also been emailed to the Clerk of the Supreme Court of Virginia at [scvpfr@vacourts.gov](mailto:scvpfr@vacourts.gov). Also, on February 10, 2022 a copy of the Petition through my Assistant Roberta Hill had been transmitted/served on the following, via email (by Roberta Hill) or by fax (by Brian D. Hill), at the email address indicated:

Glen Andrew Hall, Esq.

Commonwealth Attorney's Office for the City of Martinsville  
P.O. Box 1311 // 55 West Church Street  
Martinsville, Virginia 24114/24112  
(276) 403-5470  
(276) 403-5478 (fax)  
Email: [ahall@ci.martinsville.va.us](mailto:ahall@ci.martinsville.va.us)

Office of the Attorney General of Virginia  
202 North Ninth Street  
Richmond, VA 23219  
Phone: (804) 786-2071  
Email: [mailoag@oag.state.va.us](mailto:mailoag@oag.state.va.us)



The email used to email [ahall@ci.martinsville.va.us](mailto:ahall@ci.martinsville.va.us) a copy of the Notice of Appeal is different because either the Commonwealth Attorney or somebody out to get Brian Hill and his family have reported [rbhill67@comcast.net](mailto:rbhill67@comcast.net) as a spammer to SPAM COPS for emailing a copy of pleadings filed with the Court.

Until Glen Andrew Hall explains why he is blocking [rbhill67@comcast.net](mailto:rbhill67@comcast.net), as an officer of the court blocking the emails without any court order. Until this is resolved, the email providing service of emailing a copy to the Respondents will be [rbhill67@justiceforuswgo.nl](mailto:rbhill67@justiceforuswgo.nl).

**Dated:**

**Respectfully submitted,**

**February 10, 2022**

  
\_\_\_\_\_  
Brian D. Hill

**Brian David Hill  
Pro Se Petitioner  
Ally of Q, and Lin Wood  
Former USWGO Alternative News Reporter  
310 FOREST STREET, APARTMENT 2  
MARTINSVILLE, VIRGINIA 24112  
Tel.: (276) 790-3505  
E-Mail: c/o [rbhill67@comcast.net](mailto:rbhill67@comcast.net)  
[JusticeForUSWGO.NL/pardon](http://JusticeForUSWGO.NL/pardon)  
[JusticeForUSWGO.wordpress.com](http://JusticeForUSWGO.wordpress.com)**

**U.S.W.G.O.**



VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,  
CITY OF MARTINSVILLE,  
PLAINTIFF,

v.

BRIAN DAVID HILL,  
DEFENDANT.

CASE NO: CR19000009-00

AMENDED EVIDENCE OR  
AMENDED MEMORANDUM

**2ND WITNESS LETTER; AMENDED WITNESS LETTER; LEGAL**  
**ARGUMENTS AND AFFIDAVITS IN SUPPORT OF DEFENDANT'S**  
**“MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL**  
**BASED UPON NEW EVIDENCE WHICH COULD NOT BE**  
**ADMISSIBLE AT THE TIME OF CONVICTION; NEW EVIDENCE**  
**OF SPOILIATION OF EVIDENCE COMMITTED BY**  
**COMMONWEALTH OF VIRGINIA; REQUEST FOR SANCTIONS**  
**AGAINST COUNSEL GLEN ANDREW HALL, ESQUIRE (OFFICER**  
**OF THE COURT) FOR VIOLATING COURT ORDERS FOR NOT**  
**TURNING OVER BODY-CAMERA FOOTAGE AND IT IS LIKELY**  
**DESTROYED AND BIOLOGICAL EVIDENCE OF BLOOD VIALS**  
**OBTAINED ON DAY OF CHARGE, ALSO LIKELY DESTROYED” ---**  
**COURT CAN CONSTRUE AS AN AMENDED MEMORANDUM IN**  
**SUPPORT OF MOTION**

COMES NOW the Defendant, BRIAN DAVID HILL (“Defendant”), by and through himself pro se, and submits AMENDED additional pieces of evidence to this Honorable Court in support of Defendant's “MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL BASED UPON NEW EVIDENCE WHICH

COULD NOT BE ADMISSIBLE AT THE TIME OF CONVICTION; NEW EVIDENCE OF SPOLIATION OF EVIDENCE COMMITTED BY COMMONWEALTH OF VIRGINIA; REQUEST FOR SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL, ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA FOOTAGE AND IT IS LIKELY DESTROYED AND BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON DAY OF CHARGE, ALSO LIKELY DESTROYED”.

**NOTE to Hon. Giles Carter Greer:**

1. Defendant is aware of things after reviewing over the case files which were given to him by the Office of Court appointed lawyer Matthew Scott Thomas Clark (“Mr. Clark”), case files turned over to Defendant on November 19 or 20, 2019.

2. Defendant is willing to submit under oath that the Defendant Brian David Hill had spoken with Mr. Clark sometime in September 2019 or October 2019, at his office. You can ask Mr. Clark for the dates of when Defendant had met with Mr. Clark for discussion of the case.

3. Defendant had asked Mr. Clark about the body-camera footage, and Mr. Clark had said that it was destroyed, or he cannot get the body-camera footage for Defendant’s case. He explained that the Martinsville Police Department had an evidence retention period for the body-cameras recorded by the Police, and it concerned the body-camera footage. He might have said around 6 months retention period, but the Defendant is not sure how of the number of months as per their policy. Defendant felt that it didn’t make sense as there was pending litigation of a criminal matter and so the general evidence retention period before destruction of evidence as per Martinsville Police policy or anything of that nature should not have applied to the body-camera footage on September 21, 2018, because of a pending criminal charge in the Court. Mr. Clark tried



to insist Defendant to move on from that by claiming to Defendant and his family during the meeting that the body-camera footage may hurt his case by pushing for it. That logic makes no sense and here is why.

1. If the body-camera footage recorded on September 21, 2018, was going to hurt Brian's case, then the Police Officer and the Commonwealth Attorney would have openly used this footage on December 21, 2018, against the Defendant during the General District Court trial. If that footage was so hurtful and would have presumably harmed the case of Brian David Hill in the Circuit Court, they would have openly retained that footage and submitted it as an Exhibit for their case in chief for the Jury Trial. They would have filed a notice to use such evidence. They did not, in fact Defendant kept writing asking for the body-camera footage and those letters were ignored instead.
2. The footage would have shown the facial features and horrible medical state of Brian David Hill at the time of him being questioned by Officer Robert Jones. It would have possibly shown discolored lips which is a symptom of Carbon Monoxide Gas poisoning. It would have shown the cuts and abrasions over Brian's body when he was questioned as to why he was naked. It would have proven that Brian David Hill was not medically cleared. If a psychologist like Dr. Rebecca K. Lochrer, PhD had reviewed over the body-camera footage, she may have had a different opinion on Brian's sanity at the time of the alleged incident. She may have decided Brian was insane at the time. The body-camera footage would have drawn very serious questions about Brian's health and wellbeing after Officer Robert Jones made a blatant false statement under oath that Brian David Hill was psychologically and medically cleared at the time of his arrest on September 21, 2018.

4. Judge Greer, the body-camera footage was destroyed to prevent you, prevent the jury, and prevent the officers of the Court from reviewing over the body-camera footage which would have drawn statements under oath by Robert Jones of MPD to possibly being that of perjury or false statements before the Court. The body-camera footage was video recorded evidence and is irrefutable. That is why Defendant believes it was destroyed, to prevent the affidavit of Robert Jones and his statements of Brian being medically cleared from going into conflict with the graphic video of Brian naked with cuts and abrasions on his body needing serious medical attention. The Jury would have saw the cuts and abrasions on Brian's body in the body-camera footage and would wonder why he was discharged from the Hospital so early, so quickly, without even checking his diabetic blood glucose and checking the laboratory results of the blood specimen. Instead, the bloodwork was destroyed, and the Commonwealth Attorney knew it or should have known it. They did not want the jury to see the appearance which conflicts with the previous statement under penalty of perjury by Robert Jones of Brian being medically and psychologically cleared as claimed under oath.

5. The lawyer Matthew Clark, Mr. Clark, had made excuses and he insinuated as if it was okay for the Martinsville Police to destroy evidence because that evidence may somehow hurt Brian Hill in his Circuit Court case, but if that was the case then they wouldn't have destroyed the body-cam footage. It appears as though Matthew Clark was afraid to file a request for a contempt proceeding against Glen Andrew Hall, maybe out of fear of retaliation. Brian David Hill does not fear retaliation by Glen Andrew Hall because Brian David Hill needs to be found innocent of his charge in order for his Supervised Release Violation to be overturned in Federal Court.

6. Defendant needs to be found innocent; it is more than just a misdemeanor. Defendant needs to prove his innocence; it is his need and will. Glen Andrew Hall contended that it is only a misdemeanor in his letter to the Court of Appeals of Virginia dated April 1, 2021. Court appointed attorney John Ira Jones, IV appointed to the appeal

had never shown Defendant that letter filed by Glen Andrew Hall on April 1, 2019. Defendant was never given an opportunity to respond to the false statements in that letter making accusations against Defendant. Glen Andrew Hall is wrong that it is only a misdemeanor. He knows this, he knew Defendant is under Supervised Release and would face Federal Arrest, just like when Mr. Hall had falsely pushed the capias knowing that Defendant was under arrest as per his Federal Probation conditions and would be arrested by the Feds. He knows and had lied to the Court of Appeals of Virginia in contending that Defendant is only convicted of a “misdemeanor”. It is not just a “misdemeanor”, it is a Federal Supervised Release Violation with it. Defendant is aware of this letter after Roberta Hill made a email request to the Deputy Clerk for the Appeal Records of his criminal appeals, prior to Defendant’s intention of filing a Petition for the Writ of Actual Innocence if necessary for overturning the wrongful conviction in the future. Defendant disagrees with the Commonwealth claiming that Defendant is frivolous and contending that Defendant is only convicted of a “misdemeanor” when it is more than that. If Defendant is legally innocent of this “misdemeanor”, then this does affect the Supervised Release Violation charge and conviction in Defendant being innocent of that charge as well. Both are interlocked. Both are involved here whether Glen Andrew Hall admits this or not. If Defendant is found legally innocent of the State charge, then he is innocent of the Federal Violation.

7. Overall, it seems like the body-camera footage would have helped Brian David Hill win, shown perjury by Officer Robert Jones making out in his statement under oath in the General District Court, it’s Chief Complaint, that Brian was psychologically and medically cleared, when the body-camera footage would have proven perjury of Officer Robert Jones. A few hours in a hospital with cuts and abrasions all over Brian Hill’s body would disprove claim of medical clearing. Defendant has shown his cuts and abrasions to his family on September 21, 2018, at the Hospital, he showed the abrasions on his stomach area. So, the body-camera footage would discredit Officer Robert Jones

and the Officer would have lost in General District Court, and that would include Commonwealth Attorney Glen Andrew Hall.

8. Defendant also saw in the case files re: Brian David Hill's case which Matthew Clark had kept during the pendency of the criminal case in the Circuit Court and General District Court case files, an attempt by the Commonwealth Attorney to push for a capias against Brian David Hill on January 28, 2019, for failure to appear. Brian likes to state as fact as was brought out by the Sheriff's Office, Brian David Hill was placed on a Federal Detainer on November 15, 2018, and was arrested by the U.S. Marshals Service on December 22, 2018. Defendant was arrested by the U.S. Marshals Service according to Federal Court document attached to this AMENDED EVIDENCE PLEADING. This is prime facie evidence that the Corrupt Commonwealth Attorney Glen Andrew Hall pushed for a capias against Brian David Hill knowing that Brian David Hill was in federal custody and under a Federal Detainer on November 15, 2018. Glen Andrew Hall knew the Feds took him away and still pushed for a CAPIAS against Brian David Hill knowing that Brian David Hill was going to be transferred by release to the Feds, not out of Jail. So, Glen Andrew Hall had defrauded the Court, Judge Greer. It is time for Glen Andrew Hall to face something similar to a capias. Glen Andrew Hall should be facing sanctions for lying to a judge or judges. He continues lying or making false or erroneous claims.

9. He pushed for a "failure to appear" knowing that Brian David Hill was in federal custody at the time. The Sheriff's Office knew that Brian David Hill would not be released from Jail to be free but released to the U.S. Marshals Service or the "Feds" is what they are called.

10. I am aware of the email printed out by Matthew Clark or printed out and given to Matthew Clark somehow saying "Re: Brian David Hill", "The Sheriff's Office

confirmed the Feds picked Mr. Hill up out of our custody. Once the Feds are finished with Mr. Hill they will let us know and he will be brought back and placed in the custody of the Martinsville City Jail to await his Misd. Appeal.” That was submitted by Nancy Sherman.

11. The Federal Detainer on the last page of the attached pieces of evidence for the Hon. Giles Carter Greer prove that Brian David Hill had been served or at least the Martinsville City Jail had been served as well as Brian David Hill with a Federal Detainer on November 15, 2018. Would they notify the Commonwealth Attorney Glen Andrew Hall, Esq. about this Federal Detainer??? You can bet your money on the fact that they were notified about the Federal Detainer. Yet this Commonwealth Attorney had pushed for a capias knowing that Brian David Hill was technically in Federal custody since November 15, 2018.

12. Glen Andrew Hall has been a dirty enough attorney to push for a capias in earlier 2019 through Nancy Sherman or Jeanie Nunn knowing that the Feds had detained Brian David Hill.

13. What is Defendant getting at here? That the Court can work both ways. If the Commonwealth Attorney alleges that Glen Andrew Hall or his office believes that Defendant Brian David Hill should be charged with a capias for simply being whisked away by Federal Marshals against his will and was forcefully detained against his will and put in Federal Correctional Institution at Butner, North Carolina to undergo a Court ordered mental evaluation which was ordered in Dec 26, 2018 (Order Committing Defendant for Psychiatric Evaluation as to Brian David Hill Psychiatric Exam due by 2/9/2019. An order was later put in extending the mental evaluation). So, it is clear that there was no capias here, because Defendant was not free and there was no bond at the time. The Commonwealth Attorney knew all of that and yet acted like it didn’t happen and tried to push for a failure to appear.

14. That the Court can work both ways. If the Commonwealth can push for a capias for a situation that does not warrant such push, then the Defendant asks for the Commonwealth to be held in contempt of Court three times, for violating the Court Order asking for the discovery materials.

15. The Commonwealth Attorney and its witness Officer Robert Jones or Police Chief Officer G. E. Cassady knew about the request for body-camera footage. The reason why is because any letters mailed by Brian David Hill to the Martinsville Police during the pending case get forwarded to the Commonwealth Attorney. So, they all had known about the police body-camera footage. They knew Brian kept repeatedly asking for the body-camera footage.

16. Luckily FCI Butner, North Carolina had a photocopying machine for inmates, and luckily Brian's family mailed or put in a money order with enough money to pay for commissary items for Brian David Hill to buy copier cards to make photocopies of letters he had mailed to Police Chief G. E. Cassady asking for the body-camera footage repeatedly. Brian knew how important the body-camera footage was, and the Order for Discovery asked by you, your honor. You asked in your Order dated February 6, 2019 for the evidence which included the body-camera footage to be turned over the defense.

17. You said in your order dated February 6, 2019:

**“(1) Any relevant written or recorded statements or confessions made by the Defendant, or copies thereof, or the substance of any oral statements or confessions made by the Defendant to any law enforcement officer, the existence of which is known to the attorney for the Commonwealth, any certificates of analysis pursuant to § 19.2-187, and any relevant written reports of autopsies, ballistic tests, fingerprint analyses, handwriting analyses, blood, urine, and, breath tests, other scientific reports, and written reports of a physical or mental examination of the Defendant or the alleged victim made in connection with this particular case,”** (citations reformatted by Defendant, including usage of underline and bold markings to show areas of citation)

18. You said this in your written order, Hon. Giles Carter Greer. Defendant kept requesting over and over again for the body-camera footage during the video retention period and that footage should not have been destroyed during the pending criminal case litigation. That itself violates your Order and the Order of the General District Court on November 28, 2018.

19. Since the Commonwealth pushed for a capias for Defendant being in Federal Custody against his will and that shows that he could not possibly appear on January 28, 2019, the Feds would not allow Defendant to appear before your Court and the Commonwealth knew of that, and the Federal Detainer lodged against Martinsville City Jail which is under the authority of the Sheriff's Office in November 15, 2018, they knew Brian David Hill was not going home after the Trial in the General District Court, they knew Brian would have been in Fed custody but Glen Andrew Hall lies and makes out like Brian David Hill failed to appear as if willfully when that was a LIE, a big fat lie.

20. Since they were pushing for any contempt or capias or anything against Brian David Hill in 2019 for any possibly non-compliance with any Order of this Court or any Trial or hearing of this Court while Defendant was in federal custody, it will be the right thing to do to for Defendant to push for this Court to CHARGE Glen Andrew Hall with willfully violating Court Orders three different times, and for possibly lying to this Court.

21. It is the right thing to do to sanction Glen Andrew Hall, whether Defendant requests such or not. Lying to a Judge is not the right thing to do. Glen Andrew Hall is a liar. He lied in the Court of Appeals of Virginia in his STATEMENT OF FACTS in his OPPOSITION BRIEF to Defendant's Petition for Appeal (one of his petitions) that Brian worn "boots" when he was arrested for being naked. The Affidavit in the COMPLAINT by Officer Robert Jones never mentioned boots but was wearing shoes, the CRIMINAL COMPLAINT. So, it can be proven to you Hon. Giles Carter Greer that Attorney Glen

Andrew Hall is a liar, and that he had defied the General District Court's order dated November 28, 2018, and had defied your Circuit Court orders.

22. This is an AMENDED evidence and MEMORANDUM, and the letter was amended by Stella Forinash to include more relevant information here since the Commonwealth wanted to paint a picture of Brian David Hill which is untrue. Brian David Hill wanted to make sure that the Witness Letter is amended from the original one submitted on January 21, 2022.

23. There is one more piece of evidence Defendant submits to the Hon. Giles Carter Greer proving that the Defendant was not going to be able to have any appeal in the event if Defendant lost the Jury Trial on December 2, 2019, or if any Continuance was requested by Court appointed defense Attorney Matthew Scott Thomas Clark. It proves that the Feds interfered with the Criminal Trial process in this State Court, in violation of the Tenth Amendment of the United States Constitution. This piece of evidence was proof to the Circuit Court as to one of different reasons why Defendant had filed a Motion to withdraw his Appeal on November 12, 2019. The Feds did not respect the Trial De Novo and pushed for quick detainment of Brian David Hill and almost would have succeeded had Brian Hill or his attorney not orally spoken up regarding Brian David Hill's jury trial on December 2, 2019. Had it not been brought up orally by Renorda Pryor the Attorney for Defendant in the Federal case, they would have taken Brian Hill away again on September 12, 2019, and the Jury Trial would have been conducted without Brian Hill because the Feds would have taken Brian away in disrespect of the Circuit Court by the North Carolina Federal Judge, the Feds disregard for the Circuit Court, the Feds disregard for the Trial De Novo process, and the Feds disregard for the authority of Virginia.



24. The Hon. Giles Carter Greer should know that the Federal Court in Greensboro and Winston-Salem, North Carolina did not respect Virginia Law, the Federal Court did not respect the case law interpretations of the Court of Appeals of Virginia and neither of the Supreme Court of Virginia, they did not respect the Jury Trial process of the Circuit Court. Even Hon. Thomas David Schroeder said in transcript that: "So even if he were found not to be guilty beyond a reasonable doubt in a criminal court, that would not necessarily preclude this Court from finding him guilty on a preponderance basis because that's the burden of proof." Basically, the Federal Judge in Winston-Salem, North Carolina is disregarding the Virginia law laws and disregarding the findings of fact and law by the Circuit Court of Virginia or any Court law by Virginia, **complete usurpation of power by the Federal Court to coerce Brian to withdraw his appeal in the State Court.** This unconstitutional usurpation of power by the Federal Court as evidenced justifies that the withdrawing of appeal was not valid due to coercion by the Federal Court because Defendant was coerced by the Federal Court's assertion that Virginia law does not determine his guilt when the whole Supervised Release violation was over whether Brian Hill had violated Virginia Law or not. This is proof of coercion by Hon. Thomas David Schroeder for Brian to withdraw his appeal in Virginia. Page 9 of that Transcript in Exhibit 4 (EXHIBIT PAGE 38 and 39 OF 164 of the original Motion) the Motion for Judgment of Acquittal or New Trial. It appears that the Federal Court did not respect the State Court process and refused to let Defendant go through his appeals. The Courts of Appeals are the main Courts of Law and judge the law rather than judging the facts. So, if a Court of Appeals found Defendant innocent, as a matter of law, then a Federal Judge had no Constitutional right to find Defendant in violation of his Supervised Release. It is no longer about a jury; it is about whether Defendant is legally innocent of Virginia Code § 18.2-387. Indecent exposure. The Federal Court interfered and thus forced Defendant to withdraw appeal, forced him into a situation.

25. Defendant has evidence of an audio recording between him and his attorney Matthew Scott Thomas Clark, and will file a copy with the Court upon request. This recording is not verbally stated as confidential, and there was no waiver of consent by Brian David Hill to record this conversation. Consent was given by Brian David Hill to record his own conversation. That audio recording was recoded by Defendant under one party consent statute and that audio recording is also being used in Defendant's 2255 Motion in Federal Court. Defendant has recorded the conversation with Mr. Clark where Mr. Clark insinuated that the Federal Supervised Release Violation and its final judgment rendered on September 12, 2019, may or may not affect the State case. Used that as another excuse to coerce Defendant to withdraw his appeal in the Circuit Court. Defendant is ready to present an Audio CD with such recording, provide a copy to the Commonwealth and to the Judge and to the Clerk upon request to expand the record. Defendant maintains this piece of evidence. This proves interference by the Federal Judge to coerce a withdraw of appeal. Not just coercion but Matthew Clark had asserted in the audio recording, that jurors from the Bible Belt will be coming in to the Trial and will wonder why he was out there naked, asserting that the Bible Belt jurors would want him convicted, the way he insinuated his arguments to Defendant to give up and withdraw appeal. Coercion is not an acceptable way to have somebody plead guilty or withdraw appeal. Coercion is not acceptable and was not done out of free will. Interference and coercion to have Defendant withdraw appeal is not rightful.

26. The Feds had set it up where Defendant would have to turn himself in to the Feds regardless of whether Brian David Hill had filed a continuance or not in the Circuit Court to find an expert witness or witnesses. Then if Defendant had arguably lost his Trial on December 2, 2019 and was arrested by the Sheriff after the verdict, he would have been charged with failure to appear in Federal custody by December 6, 2019, as ordered by Hon. Thomas David Schroeder. So, the Defendant had no ability to ask Matthew Clark to file a Motion with the Circuit Court for a continuance or go through on

State Appeal without interference because then that would likely have caused another request for a *capias*, either way he was doomed somehow and had no free will ability to prove his innocence in the State Court due to the interference by Judge Schroeder and it had caused Matthew Clark to coerce Defendant to give up fighting in the State. If Defendant had been arrested after any jury verdict of guilty, he would have gotten in trouble by the Federal Marshals because Judge Schroeder did not wait until after the State Appeals and the Courts of Law legal process would have gone through. If the Defendant had requested a continuance with the State Court, Defendant cannot guarantee appearance due to the Federal Court ordering Defendant to turn himself in to Federal Prison on December 6, 2019, to serve his Imprisonment without respecting the Virginia case laws. If the Jury Trial had lasted for more than four days, then the Defendant would be in legal trouble with the Feds for failure to turn himself into the Federal Prison on December 6, 2019. Either way, the Defendant was put in a bad position, and he is proving to the Court with this new evidence that the Feds have caused a lot of interference with the State Trial process. It's ironic, the whole Supervised Release Violation was over whether Brian had violated Virginia Law but didn't allow the Trial De Novo and it's legal interpretations of law to fully develop. This is interference by the Federal Court and the State Court needs to consider this fact as well for degerming whether the Defendant's Motion to Withdraw of Appeal was caused by coercion and interference.

27. Normally a Federal Court is supposed to exercise Judicial Restraint on interfering with a State Court Trial process until the State is done with a criminal defendant and all appeal or appeals exhausted, through comity or abstention. The Federal Court refused to let the Hon. Giles Carter Greer of this Circuit Court conduct full facts and legal contentions of whether Brian David Hill was guilty or innocent of Indecent Exposure, as a matter of law. So, the situation got tricky and required Defendant to withdraw appeal so that he could report to Federal Prison on December 6, 2019.

28. Defendant had multiple issues on why he was forced to withdraw appeal. He deserves a New Trial or Judgment of Acquittal or both.

29. Defendant wants this Court to understand that Defendant had no ability to file a continuance and had limited options because of the Imprisonment Order over the alleged charge on September 21, 2018 in the General District Court. The Defendant did not have any expert witnesses lined up partially because Matthew Clark claimed that Glen Andrew Hall would not approve of any request for payment of such expert witnesses to be paid for by the State. Defendant's grandparents agreed to pay for the expert witness for Brian Hill to fight to be found innocent, but Matthew Clark did not establish any expert witnesses and did not ask the Court for a continuance because he knew that the Defendant was revoked of Supervised Release and likely knew that Defendant was going to Federal Prison on December 6, 2019. So, the Defendant did not have the ability to clear his name in the Circuit Court in 2019. The Defendant has plenty of time for a new trial if the Judge wishes to construe his Motion as a request for a New Trial under Rule 3A:15. A judgment of Acquittal would be appropriate for clear cut evidence and law demonstrating innocence. When the law specifies clear-cut what proving lack of intent is, then having the evidence to support such law makes the FACT clear-cut and necessary for acquittal regardless of the verdict of guilty in the General District Court. The law makes it clear-cut that if Defendant has met a certain criteria, that criteria makes it a legal defense of no-intent. The clear-cut statutory reasoning makes the Defendant actually innocent aka legally innocent of his charge.

30. The evidence and law are clear cut thanks to “§ 19.2-271.6. Evidence of defendant's mental condition admissible; notice to Commonwealth.” It is clear cut with the mental evaluation as ordered by the General District Court for competency that it demonstrated evidence of Autism Spectrum Disorder at the time of the charge. It is clear cut that the Indecent Exposure statute says, “Every person **who intentionally** makes an obscene display or exposure of his person”.

31. It is clear cut under the Law that proof of Autism Spectrum Disorder “shall be admitted if such evidence (i) tends to show the **defendant did not have the intent required** for the offense charged”. It is clear cut. Prior to this 2021st law, the finding of intent was up to the Trier of Fact, aka the Judge or Jury. That would make the interpretation of “intent” difficult to sustain as a fact of “non-intent” without a trier of fact in a Jury Trial or Bench Trial who tries the fact of disputed claims such as the defense attorney claiming that the Defendant did not have the intent to commit an act. When it is not clear cut, a Jury Trial or Bench Trial is best to let the trier of fact determine whether there was intent or not. That was prior to this new law. The Court of Appeals panel ruled in their opinion for the dismissal of Brian’s Petition for Appeal, that it is up to the trier of fact, because prior to Virginia Code “§ 19.2-271.6. Evidence of defendant's mental condition admissible...” that was the case law standard. That 2021st Virginia law could not have been brought up on direct appeal because the original Record on Appeal did not have those arguments preserved with exception to Brian David Hill preserving his Actual Innocence claim and that law had not existed at that time for that direct appeal of his criminal conviction. Defendant did not just file a Motion to Withdraw Appeal, Defendant had asked to preserve issues of his INNOCENCE even after the Court accepted the withdrawing of his appeal. He is innocent and the new Virginia Law supports his innocence.

32. However, that law had changed how a Court may rule on intent. Case law of Virginia involving “Intent” element decisions was not clear cut at the time based on older case law prior to the new law giving a clear cut definition of showing proof of a lack of intent. It would require a JURY TRIAL, prior to this law. Intent is now based on whether Defendant had Autism Spectrum Disorder at the time of the alleged incident. That was proven by the mental evaluation for competency, that Defendant had Autism Spectrum Disorder at the time of the alleged charge and offense allegation.

33. However, the new Virginia Law makes it clear cut in regards to the “INTENT” element that Defendant does not have the intent because of his Autism Spectrum Disorder pursuant to Virginia Code § 19.2-271.6. The lack of intent codified under § 19.2-271.6 now makes it possible that proving Autism Spectrum Disorder at the time of the alleged charge and incident, would prove that the Defendant did not have the intent required under Virginia Code § 18.2-387. Indecent exposure. It is not to be figured out by the Trier of Fact, it is now a matter of law as to whether the Defendant has “actual” “intent” or not. Did he actually have intent when he suffered and continues suffering from a permanent disability such as Autism Spectrum Disorder??? That is up to the law now and not the trier of fact. Defendant can be acquitted based on law and as a matter of law.

34. Defendant makes it clear with the evidence and the additional evidence submitted by the Defendant that the Circuit Court cannot convict Defendant of violating Virginia Code § 18.2-387. Indecent exposure. This Court as a matter of law must enter a judgment of acquittal or new trial or Writ of Actual Innocence based upon the evidence admitted by the Court regarding the sanity and competency evaluation proving that Brian David Hill had Autism Spectrum Disorder and Obsessive Compulsive Disorder under expert witness evaluator Dr. Rebecca K. Lochrer, PhD, the new evidence to be admitted by the Court pursuant to Virginia Code § 19.2-271.6. The Commonwealth of Virginia did not object to the original witness testimony of Dr. Rebecca K. Lochrer, PhD. At the time her evaluation report could not have been used as evidence of Defendant’s innocence because that evaluation was only to determine sanity and/or competency. However, her report to the General District Court admitted that Defendant had Autism Spectrum Disorder. That was not disputed by the Commonwealth Attorney

since the evaluation was originally conducted to determine sanity and competency. The law had changed.<sup>1</sup>

35. It is clearcut that the Circuit Court erred by accepting the withdraw of appeal. It is clearcut that the Defendant is innocent due to Virginia Code § 19.2-271.6. Proof of Defendant lacking intent is clearcut due to Virginia Code § 19.2-271.6 due to law instead of based upon the trier of fact based on older case law prior to the passage of § 19.2-271.6. The intent element can never be proven due to prima facie evidence of Autism Spectrum Disorder, pursuant to Virginia Code § 19.2-271.6. There was no law of § 19.2-271.6 in November 18, 2019, and December 21, 2018, there was no law with a clear-cut criminal defense on intent and thus under older law it would have been up to a Jury as to whether or not Brian Hill had intent to violate Virginia Code § 18.2-387. Indecent exposure. Now with a statute making a clear-cut definition that somebody with an Autism Spectrum Disorder at the time of the alleged offense charge does not have the “intent” necessary to convict the Defendant of violating any Virginia law requiring intent (except any law violations ever marked as excluded from such defense) including Virginia Code § 18.2-387. Defendant had demonstrated that he is legally innocent of Virginia Code § 18.2-387. Defendant cannot have any intent due to his Autism Spectrum Disorder as raised by the clear cut statutory provisions of law.

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<sup>1</sup> For the sake of brevity, Defendant will not reproduce the findings in the sealed report (report under SEAL) from Dr. Rebecca K. Lochrer of both the evidence that Brian David Hill had suffered from an Autism Spectrum Disorder at the time of the alleged offense allegation and that proof the qualified evaluator was not objected to by the Commonwealth Attorney. Defendant hereby incorporates by reference, as if fully set forth herein, all pages of the SEALED mental evaluation report as evaluated and was filed in the General District Court.

36. The Commonwealth Attorney had deceived the Court regarding the spoliation of evidence and/or about the capias while Defendant was in Federal custody as if it was necessary after the Federal Detainer filed with the Martinsville City Jail on November 15, 2018, and the Arrest Warrant that the U.S. Marshals arrested Brian Hill on December 22, 2018. Defendant had demonstrated that the Commonwealth Attorney did allow and permit spoliation of evidence despite the multiple letters asking the Martinsville Police Department to send the body-camera footage to the defense counsel or permit the defense counsel access to or a copy of it. Defendant made photocopies of those letters to the Police Chief regarding the body-camera footage because the Federal Prison FCII Butner had a photocopying machine for inmates for those who purchased copier cards from the Prison Commissary and Brian David Hill had commissary money to buy copier cards to make copies of letters mailed to G. E. Cassady, the Police Chief of the City of Martinsville. Defendant had demonstrated that Glen Andrew Hall either deceived the Court or allowed destruction of evidence in violation of the three Court Orders or both.

**DEFENDANT SUBMITS THE FOLLOWING EVIDENCE:**

EVIDENCE ATTACHMENT	PAGE RANGE	DESCRIPTION
AMENDED WITNESS LETTER #1	1-10 (27-36)	WITNESS LETTER FROM STELLA FORINASH
UNSWORN DECLARATION FROM ROBERTA HILL IN SUPPORT	11-14 (37-40)	UNSWORN DECLARATION FROM ROBERTA HILL IN SUPPORT
WITNESS LETTER #2	15-22 (41-48)	WITNESS LETTER FROM KENNETH R. FORINASH
WARRANT FOR ARREST OF SUPERVISED RELEASE	23-23 (49-49)	WARRANT FOR ARREST OF



VIIOLATOR In December 22, 2018, PROVING CAPIAS WAS WRONGFUL		SUPERVISED RELEASE VIOLATOR In December 22, 2018, PROVING CAPIAS WAS WRONGFUL
PHOTOCOPY OF SERVED FEDERAL ARREST DETAINER DATED NOVEMBER 15, 2018	24-24 (50-50)	PHOTOCOPY OF SERVED FEDERAL ARREST DETAINER DATED NOVEMBER 15, 2018
JUDGMENT AND COMMITMENT, Supervised Release Violation Hearing dated October 7, 2019	25-26 (51-52)	JUDGMENT AND COMMITMENT, Supervised Release Violation Hearing (WHOLE ORDER, two pages of 16 page Federal filing but the rest aren't relevant and material to the facts presented in this pleading)

52 pages total

#### DEFENDANT SUBMITS THE FOLLOWING VIDEO EVIDENCE:

Also, the Defendant's family had uploaded a YouTube video of testimony under Oath and demonstration of physical evidence for the Court. Defendant's family uploaded that YouTube video of Defendant's testimony video and provided him the link to the playable video with the Court until a physical DVD disc can be mailed at a later time to be filed by the Clerk as physical evidence. Defendant hereby submits this VIDEO EVIDENCE TESTIMONY UNDER OATH, UNSWORN DECLARATION UNDER VIRGINIA LAW.

Defendant submits this YouTube video link to the Judge and the Court as evidence:

<https://www.youtube.com/watch?v=5PMaIR45MSo> - Video Testimony of Brian David

**Hill on January 5, 2022 2nd Iteration**

Dated January 6, 2022

Disclaimer: Link and information were all given to Defendant by family and no internet was used to obtain the link text and description text used to present this evidence.

**DEFENDANT SUBMITS THE FOLLOWING AUDIO EVIDENCE:**

<https://archive.org/details/e-3-20190924130648-i-2766344000> - Digital audio file of what is being filed in Federal Court in the new 2255 Motion. As part of Exhibit 3 in Brian's Federal 2255 Motion: An Audio CD disc (digital audio file located at the link given by Brian's family to present to the Court for quickly review by the Judge) containing a 21 Minute, 25 Seconds audio clip of a phone call conference recording between Brian David Hill 276-790-3505 and Attorney Matthew Scott Thomas Clark 276-634-4000. Dated September 24, 2019. File reports time of 2:27PM. Attorney/client privilege for this audio waived. Audio for Exhibit 3 for usage in Federal 2255 Motion and for Martinsville Commonwealth case as well.

37. Audio evidence proves that the Federal Court's interference with the revocation had triggered a change in Attorney Matthew Clark to insist that Defendant withdraw his appeal and accept the decision of the General District Court.

38. Defendant recommends to Hon. Giles Carter Greer that the Court can work both ways not just against Defendant or against Plaintiff, but that the other side also be held accountable. Plaintiff being attorney Glen Andrew Hall who represents the Commonwealth of Virginia. Defendant recommends that it is time for Glen Andrew Hall

to be held accountable for willful disregard of this Court's multiple Orders asking for the discovery evidence materials which includes the body-camera footage and preserving evidence of biological sample of blood obtained from Defendant on September 21, 2018. Normally evidence is destroyed to cover up or omit something. It is logical to believe that is so.

39. Normally if a criminal defendant or an individual destroys evidence of a crime, a criminal defendant or an individual who destroys evidence of a crime can face more charges for destroying evidence or obstructing justice to prevent a police officer from finding evidence of a crime. What about if the Commonwealth or Martinsville Police Department destroys evidence pursuant to a criminal investigation or charge??? Will the Commonwealth be held to the same standard as an individual who arguably destroys evidence to obstruct a Police Officer's ability to find evidence of a crime?

40. It is logical to believe that the blood vials obtained on September 21, 2018, were destroyed and that biological evidence was destroyed either by willful neglect, incompetence, or outright cover up.

41. The Commonwealth knew that Brian David Hill was involved with the Feds and the Federal Detainer filed with Martinsville City Jail gave them a few months to document and have record or records proving that Brian David Hill was in Federal Custody, and yet he pushed for a capias for January 28, 2019. Defendant filed an Americans with Disabilities Act request while in Western Virginia Regional Jail which would have clued Glen Andrew Hall in that Defendant was in a jail and not free to appear before the hearing on January 28, 2019. Yet Glen Andrew Hall disregarded whatever records or evidence may have been served upon him by the Clerk of the Circuit Court showing Defendant in detainment and Mr. Hall had treated it as if Defendant was not in custody to even push for a capias.

42. Also, another piece of evidence is with the staff of the Circuit Court. Review over email: “RE: Request for ADA Accommodation” by “Donna Morris <dmorris@vacourts.gov>”; email date: “Thursday, January 17, 2019 3:16 PM””. That email as part of the Record of the Circuit Court “CORRESPONDECE” would have also been served with the Office of the Commonwealth Attorney and the Public Defender. It said an ADA Accommodation request was mailed from Brian David Hill “#00-21123, Western Virginia Regional Jail”. This also proves that Defendant was in Federal custody or some kind of custody in January 2019, and that Glen Andrew Hall should have reasonably known as this as the Commonwealth’s Attorney gets notifications from any of the pro se filings from Brian David Hill. Glen Andrew Hall pushed for a capias knowing that Brian David Hill was in custody. Glen Andrew Hall pushed for things under false pretenses. This is extremely concerning that we have such a Commonwealth Attorney being blatantly and patently dishonest and allowing destruction of evidence under his watch knowing that such evidence may disprove the Commonwealth’s case, it may prove that Defendant could not have been medically cleared in such a short period of time with cuts and abrasions all on his body when being filmed by the body-camera footage making statements. It is necessary that the Court move to punish Glen Andrew Hall, Esquire. He has lied about different things regarding Defendant and/or his case for far too long and Defendant cannot take this anymore. Defendant will not stand for this and be compelled to pay any legal fees for his only source of income protected under 42 U.S. Code § 407 - Assignment of benefits, Defendant is judgment proof according to the Social Security law. It doesn’t mean the Defendant is free of debt, but no Court may demand money protected from such garnishment or levying or any other court process. Defendant is the victim here. That is a separate issue and will not matter if Defendant is acquitted or found innocent by the Circuit Court. Acquittal will mean the legal debt will probably be entirely erased and any pending appeals can be dismissed for being moot. Defendant is the victim of the Commonwealth and their violations of Court Orders. This Court is the victim of

non-compliance by the Commonwealth with such Orders. Defendant complies with coming to every hearing as ordered by the Court. **Defendant had only not shown up at a hearing due to being in Federal custody which was against Defendant's will and the Feds did not respect making sure that Brian Hill would appear. The feds failed to make Brian appear and the Feds are at fault here.** Defendant was compliant with turning himself in to Martinsville City Jail by request of his lawyer Scott Albrecht after the Federal Court released Brian D. Hill and the Federal Marshals forgot to tell the State Court, that is on them, that is on the Feds. Brian Hill complies with any request of this Court. The Feds don't play by the rules and the Feds don't play by this Court's rules. The feds are their own power and authority, they are a different concern and Defendant should not be punished for anything the Feds had caused or problems that the Feds had created.

43. It is Glen Andrew Hall who needs to face justice and he needs to face accountability for violating the Court Orders, for allowing destruction of evidence during a pending criminal litigation, for not filing a response to the Court's Order regarding the destruction of evidence to come clean about the destruction of any evidence. Glen Andrew Hall could have filed a letter informing the Court that the body-camera footage was destroyed and made some excuse as to why. They didn't do any of that. Defendant has a valid reason for not appearing on January 28, 2019, he was in Federal Custody and the Sheriff's Office admitted he was in Federal custody because that same Sheriff's Office through Martinsville City Jail received a Federal Detainer for arrest on November 15, 2018. So, Defendant has clear and convincing evidence that the Commonwealth Attorney had no justification for a capias or failure to appear. They know that because they are corrupt. Glen Andrew Hall must be held accountable, they must. The evidence weighs heavily in favor of Brian David Hill.

Brian David Hill must be acquitted, found innocent, and his charge dismissed forever with prejudice.

Respectfully submitted with the Court, This  
the 11th day of February, 2022.

Brian D. Hill  
*Signed*

Brian D. Hill  
Brian D. Hill

Defendant

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

(276) 790-3505



JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com



## **CERTIFICATE OF SERVICE, CERTIFICATE OF FILING**

I hereby certify that a true and accurate copy of the foregoing AMENDED

MEMORANDUM was faxed or emailed/transmitted by my Assistant Roberta Hill at

[rbhill67@comcast.net](mailto:rbhill67@comcast.net) (due to Probation Conditions of not being allowed to use the

Internet) or delivered this 11th day of February, 2021, to the following parties:

1. Commonwealth of Virginia
2. City of Martinsville

by having representative Roberta Hill filing his pleading on his behalf with the Court, through email address [rbhill67@comcast.net](mailto:rbhill67@comcast.net), transmit/faxed a copy of this pleading to the following attorneys who represent the above parties to the case:

Glen Andrew Hall, Esq. Commonwealth Attorney's Office for the City of Martinsville 55 West Church Street P.O. Box 1311 Martinsville, Virginia 24114/24112 Attorney for the Commonwealth Phone: (276) 403-5470 Fax: (276) 403-5478 Email: <a href="mailto:ahall@ci.martinsville.va.us">ahall@ci.martinsville.va.us</a>	Hon. Ashby R. Pritchett, Clerk of the Court Circuit Court for the City of Martinsville Phone: 276-403-5106 Fax: 276-403-5232 55 West Church Street, Room 205 P.O. Box 1206 Martinsville, VA 24114 Email: <a href="mailto:apritchett@vacourts.gov">apritchett@vacourts.gov</a>
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The reason why Brian David Hill must use such a representative to serve such pleading with the Clerk on his behalf is because Brian is currently still under the conditions of Supervised Release for the U.S. District Court barring internet usage without permission. Brian's Probation Officer is aware of Roberta Hill using her email for conducting court business concerning Brian Hill or court business with the Probation Office in regards to Brian David Hill. Therefore Roberta Hill is filing the pleading on Brian's behalf for official court business. Brian has authorized her to file the pleading. All exhibits or any exhibits with anything printed from any internet based service was printed and researched by Roberta Hill.

That should satisfy the Certificate of Service regarding letters/pleadings during the ongoing Covid-19 pandemic. If the Court wishes to contact the filer over any issues or concerns, please feel free to contact the filer Brian David Hill directly by telephone or by mailing. They can also contact c / o Roberta Hill at [rbhill67@comcast.net](mailto:rbhill67@comcast.net) and request that she forward the message and any documents or attachments to Brian David Hill to view offline for his review.

**U.S.W.G.O.**



Brian D. Hill

Defendant

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

(276) 790-3505

JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com



Jan. 20, 2022

To Whom This May Concern:

I have been a witness Brian's entire life. I read the police report that Brian was medically and mentally cleared, and I have some questions to ask this court. How is it possible that someone who was diagnosed as having insulin dependent diabetes with seizures before the age of two years old and autism (PDD) before the age of three and diagnosed with OCD miraculously be medically cleared? Brian has been on SSI Disability since 1992 due to his serious disabilities and remains on SSI to this day so even though we wished it was true that when the police arrested him, he was miraculously medically & mentally cleared, he wasn't.

There is no longer carbon monoxide in his house since the chimney expert removed the tin in Jan. 2019, and there have been no more episodes of his being out of the house by himself at any time, and Brian continues taking his emergency supplies with him when he leaves the house. That night according to a later police testimony, Brian was so out of it that he had no emergency supplies, nothing that would have clued the policeman to the fact that Brian was a diabetic who required insulin, glucose tester and glucose tablets. Brian was not aware that he had diabetes that night, or he would have told the police. Once the court was aware of these severe medical problems, why did his court appointed attorneys refuse to obtain a medical expert witness after Brian's grandparents & mom offered to pay for this? Is this court aware that Brian has been on a medical Medicaid waiver since 2012 and was on this when arrested and continues to be on this as I write this letter as a witness for Brian?

We have obtained 2 hospital records during the time that he & his mom were exposed to carbon monoxide in their home. On the first hospital record on 11/19/2017 his mom found him in bed as she went down to check his blood glucose level at night with blood all over him and all over the bed and a bad cut on his forehead. She called 9-1-1, but Brian refused to go to the hospital until after his 3 hour OCD routine. She called us to try to help him get to the hospital faster, but we all sat in the living room while he was in the kitchen for over 2 hours longer while he continued washing his hands, arms, hair, face – blood continued coming down his face. At one point he was vomiting during that time. At another point he was having bad leg cramps, but finally he let us take him to the hospital.

While at the hospital emergency room for a few hours, they tested his blood glucose several times, did a lot of blood test including one for carbon dioxide and other test. We found out later he and his mom were living in a home with carbon monoxide from a natural gas boiler heater and natural gas hot water tank – not carbon dioxide. But

apparently to do that test, the hospital suspected something, and when you read the hospital report from what they found that night, you read the symptoms of both carbon dioxide & carbon monoxide. They sewed his forehead with staples instead of nylon due to his extensive hand & face washing routine (OCD).

On the second hospital visit (9/21/2018) even though the hospital records clearly state that he has insulin dependent diabetes, seizure history, autism and OCD and that he was brought to the hospital by the police because he was out in the nude that night by himself for hours walking around trails and had a knee injury. The hospital did not do one blood test to see what his blood glucose level was. Is it because that is normal for someone with type one insulin dependent diabetes with history of severe seizures when glucose goes low, autism & OCD to spend the night alone in the nude walking around a walking trail for hours miles from home without any medical emergency supplies? Someone who has never done this before? Did the police & doctor on duty at the hospital that night think this was normal? I can tell you right now this was not normal activity for Brian, and while this was going on, His care giver (and his 2 caregivers in case of emergencies) were in bed asleep unaware until the police came knocking at his mom's door at about 4 in the morning. They ordered blood test and other test to be done, then they deleted those test (Why?). This is clear neglect on the part of the hospital. More than once on this hospital report, the doctor ordered for Brian to see his doctor the next day for more tests knowing Brian was going to jail.

I was in the court room in Winston Salem, NC, when I heard this police testify. Brian's court appointed attorney asked if he knew that Brian had insulin dependent diabetes. His answer was "No", he didn't know that". Brian's attorney asked him if he knew that Brian had OCD. His answer was "No". She asked him if he knew that Brian had autism. His answer was that Brian had told him that he had autism. When she asked him if he had any training in autism, it sounded like he knew what autism was but didn't have a lot of training. Does this sound like Brian was really medically & mentally cleared as the police report said? It sounds to me like negligence from the Martinsville police department. There is supposed to be laws for people with disabilities. Does it sound like the police department was negligent in their duties of obeying any of these laws? I didn't see anywhere that after Brian told the police he had autism that an expert was called to help. Brian contacted the police department, and we did too as well as his court appointed attorney asking for them to give his attorney the body cam for proof that Brian was in bad shape that night. This never happened (Why?).

I also heard Brian's mom testify in the same court about the carbon monoxide exposure in their home for over a year and how that had affected both of them. Instead of obtaining a medical expert, the judge said that he would not accept her testimony because she was not an expert even though we sent to the court as a witness US government reports of what it is like to be exposed to carbon monoxide since the court

refused to obtain an expert medical witness. Brian's probation officer was also a witness for Brian. Someone placed child porn on Brian's computer in 2012 and sent emails to Brian and others admitting doing it and admitted that they would see to it that Brian stayed convicted of child porn. We have read these, obtained copies and sent copies to the federal court. We saw the report from the NC SBI that there was child porn on Brian's computer that had been downloaded for one month before the police raid and for **11 months after the police confiscated Brian's computer** which sounds like what they sent to Brian's computer was a virus with child porn. Brian is innocent, and we sent proof to the court of his innocence, pages of proof that the judge did not read because never once has the judge acknowledge us as witnesses. Regardless, our proof of his innocence is on federal court records since November, 2017.

Anyway, this is the reason Brian has a probation officer and the reason this case went to NC and the reason we were hearing the testimony from the police, Brian's caregiver (his mom) and his probation officer who has been a senior Federal probation officer for several years in Roanoke, Virginia. Brian's probation officer knew that Brian was an insulin dependent diabetic with seizure history, had autism and OCD and testified that he worked with Brian, Brian's mom and his grandparents with these issues. Apparently the judge did not believe that Brian's mom or federal probation officer were credible witnesses. He believed the police who admitted in court that he had not been aware of Brian's diabetes or OCD and really did not know a lot about autism. This conflicts with his police report which says that Brian was medically and mentally cleared.

Brian's diabetes requiring insulin (since 1992), seizures (since 1992), autism (since 1993) and OCD are well confirmed in hospital and many medical records. We have seen this judge several times and believe after reading many threats Brian and others had received that this judge is owned by whoever has sent these threats to Brian in 2012, 2013 & 2015, Brian's mom in 2017-2018 and an attorney friend (Attorney Susan Basko) received several in 2015 as Brian was fighting in court to prove his innocence. She wrote a letter to the court that Brian was innocent of knowingly having child porn in 2014, and we have seen a threat against Brian sent to his friend in 2012 because Brian at the time had an alternative news (USWGO) network which was a hobby he enjoyed and a chance to communicate with others, and they wanted to shut all of this down in 2012. We have seen threats sent to other alternative news people in 2013, threatening sending child porn to them to shut down their alternative news (and actually sending it, but they found it and sent to the FBI). Brian didn't see the ones on his computer. Many judges we have found out are compromised, and Brian's autism and other medical problems keep being ignored by them so that is why Brian has become very suspicious of some judges who are ignoring his constitutional rights as well as his medical history, not allowing a medical expert witness to testify and most important ignoring the proof we have in court that he is actually innocent.

Hospital did no glucose test on a type 1 insulin dependent diabetic who was walking around in the nude by himself all night. That is big time negligence by our local emergency room hospital, and the proof is on the hospital records. We have copies if you want to see them, or you can get the hospital records yourself from the hospital: Sovah Health – Martinsville; 320 Hospital Drive, Martinsville, VA 24112 – Phone # 276-666-7200. There are no results of any testing done for carbon monoxide exposure that night as well as no glucose tests were done, no testing to see if someone put drugs in his body, no testing at all from this hospital.

We saw Brian's wall around his fireplace & especially his ceiling deteriorate & come down (Under his mom's fireplace). His probation officer commented about it. Roberta kept saying she was so tired and didn't know why. Brian complained that he was tired, couldn't think straight and kept forgetting things. Both complained of headaches (Haven't heard anything before this exposure or after this exposure about them being tired or having a lot of headaches). Roberta's head was shaking during this time. Brian's autism & OCD were getting worse, and we found out Brian took off at night by himself to go miles from home without any diabetic medical supplies and without any hand sanitizers which he always keeps with him, says he met someone in a hoody who sounded like a white guy who told him to take his clothes off and take photos of himself **or his mom** (his only caregiver – grandparents are emergency backups elderly & disabled too) **will be killed**.

The court showed a pink camera which Brian never used a pink camera. He always takes his big black camera with him when he goes places with us. We picked up a backpack that was smaller than Brian uses and one that his mom had never seen before. Brian kept walking around for hours in the nude by himself like he didn't know how to put his clothes on. His clothes were in the backpack we picked up, but no emergency medical supplies were in it. In 31 years of knowing Brian, this is the first time anything like this has happened. We would not have woken up for a few hours so we don't know what would have happened to Brian if the police had not found him, but they turned this into a criminal offence when it was clearly a medical emergency. The Martinsville police & the Martinsville Hospital were clearly negligent in their duties that night.

If you know the many things that people with autism can do, this is one (wandering away from home at night): Even though the hospital did not test for carbon monoxide when he was arrested, and none of us were aware of the exposure until months after Brian was arrested, our family saw Brian's autism getting worse after all of the years of improvement. Since he has been home and away from carbon monoxide exposure, he still has autism, but not as bad as during this exposure. We don't worry that he will again take off by himself without his emergency medical supplies. After the arrest, we worried that he would do it again if we brought him back to his home and were begging

the Piedmont Community Services in Martinsville to get him removed from jail and in a hospital or other safe place, but they failed us and Brian miserably too.

Here is an article I found that might explain this. It says: "Because our nervous systems are bringing in lots and lots of information, we autistics often get over stimulated. Also, when we have lots of toxins flowing through our bloodstream, we tend to be much more inflamed, irritable, reactive, and friable than most people are. Anything that happens around us registers louder for us than for non-autistics and the stimulation affects us more. Now, there are two reasons for running away. If you think about it, any child who runs away, autistic or not, will be either running away from something, or running towards something. Many people on the autistic spectrum have post-traumatic stress disorder. There is a very, very close relationship between these two diagnoses. The body language of those of us autistics who are very tense is quite close to the body language of people with post-traumatic stress disorder.

When you're considering an autistic who runs away regularly, they're either running away from something that they are over stimulated, afraid or angry about, or they're running towards something attractive. Many of us autistics will run to green spaces, or run to water. There's a good reason for that. Autistics find natural areas — and the wilder, the better — to be extremely calming, to allow and enable much more comprehension and integration of what's going on around us. Indoor environments can be toxic and over stimulating. This is the article I am referring to & video:

<https://thrivewithautism.ca/2013/11/01/why-are-autistics-hyperactive-and-why-do-we-run-away/>

This did happen to Brian one time when he was little. We were next door neighbors, and in the middle of the night, Brian came to our house. He was wearing his pajamas. His mom put special locks at the top of the door, but now he is tall, and that wouldn't work. Knowing his autism had gotten worse and not knowing about the carbon monoxide exposure for about a year at the time of Brian's arrest, we were afraid he would run away again and asked our local Piedmont for help, but they did not get Brian out of jail, and we have found out that they know very little about autism. There should be records to confirm this at the Piedmont Community Services; 24 Clay St., Martinsville, VA 24112-2810. Phone # 276-632-7128, and the fax # 276-632-0127. We were keeping Brian's probation officer informed at all times. You see, if you have an autistic child or adult who runs away, this is scary and dangerous, but if this is an adult with autism who has brittle diabetes and has severe seizures, and no one is there to provide something sweet, this person will die. We knew this had nothing to do with "intent to commit a crime" but was a medical emergency. On days when Brian is more autistic, we can't get through to him and with the carbon monoxide exposure, we were having more days like that. Most days, we can communicate well when his autism is milder. I will note here that most days now, it is milder, and we communicate well thanks to the chimney expert who removed the tin so the carbon monoxide would go outside of their house.

I just found a webpage to help explain the legal process for those with autism. It deals with the part of what is considered a criminal act, and that is "intent". Today, courts are

dealing with instances of Autism Spectrum Disorder (ASD) as it relates to criminal intent but approaches vary, as there is no uniform or legislative pronouncement on how this disorder relates to “mens rea”. <https://www.purdueglobal.edu/blog/criminal-justice/autism-and-the-criminal-justice-system/> Although most with an ASD will not commit crimes, courts must understand how to handle requests to admit expert testimony in those cases where a criminal defendant shows signs and symptoms (or a diagnosis) of ASD. NOTE: We have asked attorneys in federal court and Virginia courts to provide this expert medical witness and offered to pay for the one in Virginia, but all have ignored our request so not one of Brian’s court appointed attorneys have really helped him, and from what I understand in the federal courts, some attorneys have tried but were flatly turned down by the judge. Brian had to pull out of the Virginia case because it was getting close to a jury trial, and Brian’s court appointed attorney had no expert medical witness and no witnesses for Brian even though we made this request in the very beginning and even offered to pay for it if the state refused to pay.

I just thought that unless you or a member of your family have any of Brian’s medical diagnosis, you might not understand Brian’s complicated medical history, and why we say “There is no way that police report is correct unless Brian has been cured which he has not”. The next 4 pages will explain Brian’s medical history which is well documented in the hospital where the police took him as well as all medical records since 1992 including in the Social Security system, the Virginia Medicaid, and are still being documented by his diabetic endocrinologist specialist. My email address is [kenstella@comcast.net](mailto:kenstella@comcast.net).

Sincerely,

Stella B. Forinash

Brian Hill’s grandmother

201 Greyson St

Martinsville, VA 24112

What is **insulin dependent diabetic**? For those who don’t know: **Type 1 diabetes (previously called insulin-dependent or juvenile diabetes) is usually diagnosed in children, teens, and young adults, but it can develop at any age. Type 1 diabetes is less common than type 2—approximately 5-10% of people with diabetes have type 1.**

What are **diabetic seizures**? For those who don’t know. **A diabetic seizure is a serious medical condition and without emergency treatment, it has proven to be**

fatal. Extremely low levels of sugar in the diabetic's blood cause these seizures. That is why it is so important for those who have diabetes to monitor and control their blood sugar.

What is **brittle diabetes**? Brian has been diagnosed with this by a few doctors. For those who don't know. Brittle diabetes occurs when diabetes is especially difficult to manage. Diabetes can be hard to manage for many reasons: Doctors have explained to us that Brian's autism – developmental problems & his diabetes works against each other causing brittle type 1 diabetes in him. People with brittle diabetes experience sudden and frequent changes in blood glucose levels for no obvious reason. The swings lead to hypoglycemia or hyperglycemia. What is **HYPOGLYCEMIA**? Hypoglycemia is a condition in which your blood sugar (glucose) level is lower than normal. Symptoms: Unconsciousness; Shakiness. What is **HYPERGLYCEMIA**? High blood sugar (hyperglycemia) affects people who have diabetes. Several factors can contribute to hyperglycemia in people with diabetes, including food and physical activity choices, illness, nondiabetes medications, or skipping or not taking enough glucose-lowering medication. It's important to treat hyperglycemia, because if left untreated, hyperglycemia can become severe and lead to serious complications requiring emergency care, such as a diabetic coma. In the long term, persistent hyperglycemia, even if not severe, can lead to complications affecting your eyes, kidneys, nerves and heart.

What is **Autism**? For those who don't know. Autism, or autism spectrum disorder (ASD), refers to a broad range of conditions characterized by challenges with social skills, repetitive behaviors. Autism is a complex, lifelong developmental disability (PDD) that typically appears during early childhood and can impact a person's social skills, communication, relationships, and self-regulation.

What is **OCD**? For those who don't know. Obsessive fear of germs or dirt and the compulsion to wash the hands over and over is one of the most common manifestations of obsessive-compulsive disorder (OCD). For people who suffer from OCD, hand washing goes well beyond a concern with cleanliness. It is extreme behavior whose real purpose is to lessen intense feelings of fear and anxiety. Oh, yes, I forgot to mention that Brian has also been diagnosed as having "**Anxiety**".

What is **SSI**? SSI stands for Supplemental Security Income. Social Security administers this program. They pay monthly benefits to people with limited

income and resources who are disabled, blind, or age 65 or older. Blind or disabled children may also get SSI. To get SSI, you must meet one of these requirements: Be age 65 or older. Be totally or partially blind. Have a medical condition that keeps you from working and is expected to last at least one year or result in death. Brian has been receiving an SSI disability check since 1992 (well documented) and still receives them.

What is a **Virginia Medicaid Waiver**? For those who don't know: Virginia's Medicaid Waivers pay for a variety of supports and services for children and adults with developmental disabilities and their families who need long-term support systems to live successfully in the community rather than in institutional settings. Brian is on this list because it has more benefits in case his mom is no longer able to assist. The one that he has been on since 2012 which pays his mom to be his caregiver 40 hours a week (The rest of time she is a volunteer) is an EDCD waiver.

What is **carbon monoxide exposure**? For those who don't know.

**Overview.** Carbon monoxide poisoning occurs when carbon monoxide builds up in your bloodstream. When too much carbon monoxide is in the air, your body replaces the oxygen in your red blood cells with carbon monoxide. This can lead to serious tissue damage, or even death. Carbon monoxide is a colorless, odorless, tasteless gas produced by burning gasoline, wood, propane, charcoal or other fuel. Improperly ventilated appliances and engines, particularly in a tightly sealed or enclosed space, may allow carbon monoxide to accumulate to dangerous levels. If you think you or someone you're with may have carbon monoxide poisoning, get into fresh air and seek emergency medical care. This went on for over a year. Roberta (Brian's mom's) apartment is 1500 sq ft, and Brian's apartment below his mom's is the same size, but every time they used their heater or the hot water heater, they were exposed with a build up after a year of exposure. Continued exposure to carbon monoxide can **cause permanent brain, nerve, or heart damage**. Some people require years to recover while others might never fully recover. Does carbon monoxide make you hallucinate?

These can include agitation, confusion, depression, lethargy, impulsiveness, **hallucinations**, confabulation, distractibility, and memory problems. Visual disturbances and seizure, as well as fainting (syncope), can also be related to carbon monoxide toxicity. Can carbon monoxide poisoning change your personality? Personality changes **may occur**, and case studies have described prominent depression, anxiety, and irritability several years after accidental CO poisoning. Residual cognitive deficits, executive dysfunction, and impairments in memory and concentration may all contribute to deterioration in mood.



There is a lot more information about it on this USA government site:  
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2707118/>

## **Bill requiring consideration of autism, mental illness in criminal justice system passes in Virginia**

**Posted: Feb 10, 2021 / 08:02 PM EST / Updated: Feb 11, 2021 / 11:11 AM EST**

RICHMOND, Va. (WRIC)- Advocates say a law that bars Virginia courts from fully considering a person's disability or mental illness is causing defendants with autism to fall through the cracks. <https://www.wric.com/news/bill-requiring-consideration-of-autism-mental-illness-in-criminal-justice-system-passes-in-virginia/>

<https://law.lis.virginia.gov/vacodeupdates/title19.2/section19.2-271.6/>

### **§ 19.2-271.6. Evidence of defendant's mental condition admissible; notice to Commonwealth. (2021 updated section)**

A. For the purposes of this section:

"Developmental disability" means the same as that term is defined in § [37.2-100](#).

"Intellectual disability" means the same as that term is defined in § [37.2-100](#).

"Mental illness" means a disorder of thought, mood, perception, or orientation that significantly impairs judgment or capacity to recognize reality.

B. In any criminal case, evidence offered by the defendant concerning the defendant's mental condition at the time of the alleged offense, including expert testimony, is relevant, is not evidence concerning an ultimate issue of fact, and shall be admitted if such evidence (i) tends to show the defendant did not have the intent required for the offense charged and (ii) is otherwise admissible pursuant to the general rules of evidence. For purposes of this section, to establish the underlying mental condition the defendant must show that his condition existed at the time of the offense and that the condition satisfies the diagnostic criteria for (i) a mental illness, (ii) a developmental disability or intellectual disability, or (iii) autism spectrum disorder as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association.

One of the scariest moments for a parent of an autistic child is when they wander off or become lost. Children and adults with autism can be gone in a second of taking their eyes off them. They are fast, quick and sometimes can dart away without a seconds warning.

Sometimes they may wander off out of the house in the middle of the night, sometimes from schools or other places. No matter where the child or adult may wander one must act quickly. <https://www.gastongazette.com/story/opinion/letters/2018/09/28/what-can-you-do-when-autistic-child-or-adult-wanders-off/9765760007/>

## **Autism Society article and what it says: “USE LOCKS AND ALARMS WHERE APPROPRIATE**

For individuals who run away or leave the home without supervision (also referred to as “elopement” or “wandering”), it is important to place locks and alarms on exterior doors and windows. This may prevent the child from leaving, or at the very least notify you if he/she attempts to open a potential exit route. <https://www.autism-society.org/living-with-autism/how-the-autism-society-can-help/safe-and-sound/safety-in-the-home/> NOTE: This helped when Brian was a child, but now as an adult, it wouldn't help plus at this time, his mom was not well either from her exposure to carbon monoxide & none of us knowing about the tin.

Chart below about autism. These charts helped us when Brian was little to understand autism better: There are also charts that show the “wandering & more descriptions.



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**Brian David Hill,**  
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**Petitioner/Defendant**  
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**v.**  
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**Commonwealth of Virginia,**  
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**Respondent/Plaintiff**  
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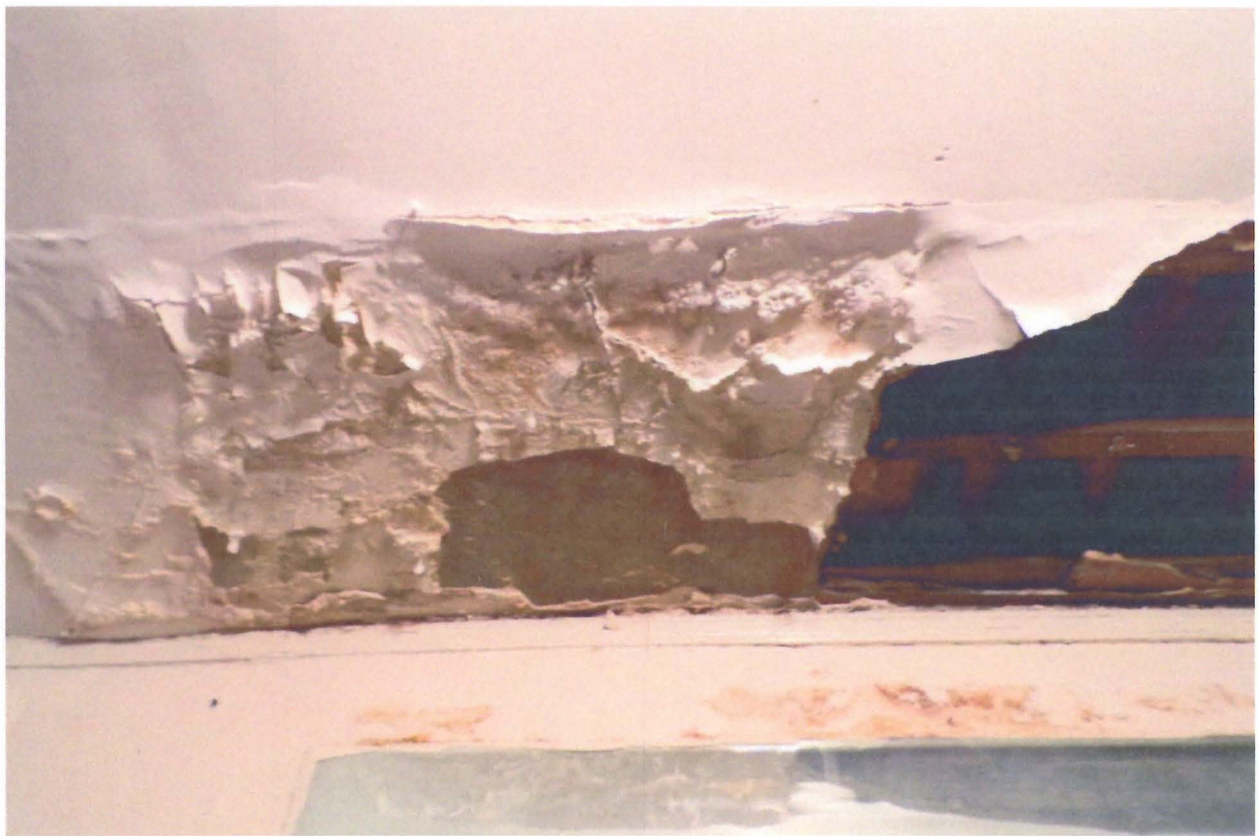
**Criminal Action No. CR19000009-00**  
  
**Civil Action No. \_\_\_\_\_**

I, Roberta Hill, being first duly sworn upon oath, do hereby depose and state:

On January 20, 2019, I had a fireplace expert named Pete Compton of ACE Chimney & Wildlife come out to check on some water damage near the fireplace and he found out that the chimney had been completely covered in tin. He told me that carbon monoxide was coming into my apartment and my son's apartment. He said it condenses and that is what was causing the water damage in the ceiling next to the fireplace in my son's apartment.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed this 9<sup>th</sup> day of January, 2022.



Signed

Roberta Hill

310 Forest Street, Apartment 1  
Martinsville, Virginia 24112  
(276) 790-3505

Kenneth R. Forinash, TSgt, USAF, Ret

201 Greyson St.

Martinsville, VA 24112

276-224-4527

Subject: Letter of Support for Brian David Hill,

To Whom This May Concern,

My name is Kenneth R. Forinash, I am a 79 year old citizen of Martinsville, VA, retired from the US Air Force. I have known Brian D. Hill for over 20 years. Brian has been helping us by doing lawn work and various chores for us. He has autism, Brittle Type I Diabetes and severe OCD problems. He has been on disability since he was 2 years old, so he is unable to hold a steady job due to his disabilities.

Brian's charge of Indecent Exposure should have never gone as far as it has. He had, unknowingly, been exposed to carbon monoxide gas in his home for several months. He and his mother were complaining about being tired all the time with no energy, having headaches and Brian also said he was having trouble thinking. On the night of his arrest he left his home late at night when his caregiver, his mother, was sleeping. This was something he had never done before, and has not done since. It is my opinion that this was from the effects of Carbon Monoxide. On the night of his arrest, he was taken to the Martinsville hospital, but was never tested to see if his glucose level was high or low, the hospital records would have shown that he had diabetes, OCD and autism if they had looked at his records. He was never tested to see if there were drugs in his system or if he could have been affected by carbon monoxide poisoning. He has been fighting this charge since it first happened, and since he knows he is innocent he will continue fighting it. That is the type person Brian is. If he knows he is being falsely charged with something he will fight for his rights.

I believe Brian should be given an acquittal for this crime because of his true innocence, and for the fact that so many mistakes were made by the hospital and the Martinsville Police Department. There was never an investigation of the things Brian told them had happened. He said a man in a Hoodie told him to take his clothes off and take pictures of himself or his mother would be killed. There was never an investigation to find this man in a Hoodie. Brian also had a pink camera in a backpack that no members of his family recognized when he was arrested. Nothing was ever done to see where this camera and backpack came from. Brian always took his large black Kodak camera with him whenever he went out. None of his family members can remember ever seeing him with a small pink camera or wearing a stocking cap. Here is a video YouTube link my wife found about people with autism behavior running away (We are wondering if this was a setup as we will explain later in this letter). <https://www.youtube.com/watch?v=wnZ02EzblMM>

My wife and I were re-reading the manuscript from Brian's revocation hearing and more & more we are wondering about a "sex setup" against Brian. We have read many threatening emails and text sent to Brian and others. We have read that they (the ones who sent these using tor email) were the ones who had the child porn put on his computer. They said they would (whoever sent these emails

& text messages) see to it that Brian stays on the "Sex register" and would set Brian up and have indicated that the judges & other people in the courts would make sure. Brian has sent these threats to the federal court. No one has done an investigation about them, but we wonder how many are involved in the courts of helping to make sure. First, the prosecutor & the judge who are the same ones who have ignored all of the proof that Brian is innocent that has been in the court records from November, 2017 and before. Brian has never shown an interest in either sex or children. We have testified in court and have sent that to the court under penalty of perjury that we are telling the truth. Brian remains a virgin to this day.

We have the proof from the state bureau of NC and have sent this document to the court that child porn was being downloaded to his computer 11 months after the police did the police raid and confiscated his computer so for that 11 months Brian didn't have the computer, the Mayodan, NC police & NC SBI in Greensboro NC had it during that 11 months. Brian fought for over a year in the Danville, VA federal courthouse for them to keep this evidence, this same prosecuting team whom you see in this manuscript makes it clear that due to the probation report being on this camera and the photos that Brian is guilty. He & the judge (BOTH) keep going back to the child porn that they claim was on his computer, trying to make a stronger case of sex which is weird if you know Brian and know that he isn't interested in sex at all, is not interested in children and still at the age of 32 remains a virgin. Set up?

Here's our proof: Isn't it convenient for a set up that once Brian is arrested for indecent exposure, they now won the case in Danville and no longer have to keep their proof when they state that Brian is guilty. Actually, this is proof that Brian is innocent NOT guilty because it proves that child porn was being put on Brian's computer for MONTHS after the police got it. They fought this because it was proof that just like the emails said "Brian was set up with child porn and had no intentions and did not even know that the child porn was in his computer. We are witnesses that Brian was fighting some type of virus on his computer the day of the police raid in August, 2012. We were there watching Brian fight it & were there during the entire hours long police raid. That is bad when our legal system goes after someone who has brittle diabetes with seizures and autism and keeps this going for years ignoring his and his family's proof that he is innocent. Brian does not have an intellectual disability. He is very smart but does have a communication disability.

Brian started fighting for this on April 25, 2017 in the Danville, VA Federal Court. In Oct, 2017 his mom contacted a chimney expert to put screen on their 3 chimney flues to keep birds out. We found out 15 months later Jan. 2019 that instead of screen there was tin up there which caused carbon monoxide to come in their home and messed up both fireplaces, gas logs in both fire places, the walls & ceiling around Brian's fireplace and caused both of them to be really sick for over a year. It doesn't make sense to us that a Chimney company would do this and are aware that when the family wasn't home, it is a possibility that someone else could have come & replaced the screen with tin. We can't prove this but just a possibility to stop Brian from fighting to prove he is innocent and should not be on a sex registry. He is innocent. We know that for a fact! In November, 2017 Brian submitted to the federal court his 2255 of innocence with many pages his family wrote and other proof of his innocence. In December, 2017 until the spring of 2018 his mom was getting insulting greeting cards with a threat letter in the spring of 2018 all sent from Nashville, TN with no return address or name



while they both were being exposed to carbon monoxide. The Martinsville police conveniently did not do an investigation, and not one of them ever questioned us – no investigation at all!

Brian is still fighting to prove his innocence in the federal court in NC with the same judge who refuses to leave his case, making sure that he stays on probation. His probation was for 10 years in 2014. Now due to this indecent exposure case, the judge ignored his autism, carbon monoxide, etc and added 4 more years of probation. During this “setup” on Brian in 2018, he lost his Danville case because he was now spending his time fighting to prove he was innocent of the indecent exposure as well as the child porn. This same judge and the same prosecution keeps going back to “sex charges”. They don’t know of any other reason, **could it be a “setup”** as the threatening letter said, as the threatening emails sent to Brian and others and the threatening text sent to Brian in 2015 said they would do?

After re-reading the transcript, the police said Brian was wearing a stocking cap. We go with Brian to a lot of places and have never seen him wear that type of hat and have never seen photos of him wearing a stocking cap. He does wear baseball caps from time to time.

Page 57 of 164 “It's the document that was found on the SD card in printed version that belonged to Mr. Hill that was on the camera when we did the search warrant.

Q So this document was on the same card as the photographs?

A Correct.

Q And under the author, what does it say?

In reading the transcript and being at the trial in NC, we noticed a lot more things that look like a setup. We saw a pink camera that the police said Brian had. We have never seen Brian use a pink camera. He does take a camera most of the time, but it’s a large black camera in a camera bag. You can look through photos his mom & we have taken of Brian, and you will not see him carrying a pink camera nor will you see him wearing a stocking cap. We took Brian’s mom to Salem, VA to pick up Brian’s backpack. Right away Brian’s mom said that she had never seen that back pack before. We noticed that it was a lot smaller than the ones he uses. It was his clothes in that backpack, but we especially noticed there were no emergency diabetic supplies in it nor any hand sanitizer in it. He always takes his diabetic supplies & sanitizer with him. We have never seen Brian take selfie photos of himself. He does take videos when he is trying to say something. Brian said that the man in the hoodie gave him the camera according to the policeman who arrested Brian.

The prosecuting attorney said that it was Brian’s camera because it has the form he sends to the probation officer with his name, nothing else except the nude photos of himself. If someone plans to set you up, what a convenient way – drug you – hand you a camera with a blank probation form that looks like you put it in the camera, add your name as the author for the police to see. Make sure there are nude photos of you in that pink camera. If I wanted to I can download this form at <https://www.gasp.uscourts.gov/sites/gasp/files/MSRSexOffender.pdf>. Anyone can download it especially if they want to set someone up. The police said that they had received one call. The police didn’t identify the caller. Could it have been the very same person who handed him the camera & threatened killing his family? Brian told us in the hospital about that. He said the guy sounded like a white guy, not a black guy, but he couldn’t identify him due to the hoodie. Brian said

he felt like he had been drugged. Isn't it convenient that the doctor at the emergency room that night did not test him for any substance (alcohol, drugs, carbon monoxide), did not test his glucose when it was clearly written on hospital records that he was diabetic and was on insulin shots. The police testified that they usually get blood test results. Isn't it unusual that they had no blood test results at all for Brian especially since he has been a brittle diabetic at the age of one year? To us, this is another clear set up just like the child porn that was downloading on his computer for 11 months when Brian didn't even have his computer.

My wife is looking up proof on Federal Court records and putting links so you can see all of this is true, especially the threats Brian & others have received.

If Brian was guilty, why would he fight so hard to get the discovery materials that were used against him in court? On the other hand, why did the prosecuting office fight so hard for him not to get these (Guilt on their part)? They also knew that this was being downloaded 11 months after his computer was confiscated and what else was on the discovery which would prove even further that Brian was innocent? Yet they kept him in jail or prison for months, many time half insulin, some days no insulin, on court days no insulin until he was brought back to jail handcuffed after hours in court with no insulin at all, no help with his autism, more like torture, made sure that he is on the sex registry, off the Internet and have extended that probation to 14 years. Why would he have that information on a pink camera? SETUP for sure just like the threatening emails, text & letter said.

Here could be one reason for the setup at this website as Brian was fighting for his discovery to keep it in court for his appeal: Freedom of information act. We saw it, there were no photos of any kind in that NC SBI report. No reason why Brian shouldn't have it to prove his innocence. Why did they fight this for over a year?

<https://www.courtlistener.com/docket/6064365/hill-v-executive-office-for-united-states-attorneys/>

Hill *v.* Executive Office for United States Attorneys (4:17-cv-00027)

District Court, W.D. Virginia

**Date Filed:** April 25, 2017

**Date Terminated:** Feb. 6, 2018

**Date of Last Known Filing:** Oct. 9, 2018

**Cause:** [05:552 Freedom of Information Act](#)

**Nature of Suit:** [895 Freedom of Information Act](#)

Brian was exposed to carbon monoxide from abt Oct. 2017 until he was arrested for indecent exposure in September 2018, and he was in jail & in bad shape on Oct. 9, 2018 so could no longer fight to get his discovery. That was a victory for the NC prosecuting office, but could it also explain the carbon monoxide and the set up? The above just shows the battle went on until Brian was arrested for indecent exposure in September, 2018, then his fight to get discovery ended, but it went on throughout Brian's exposure to carbon monoxide in his home: Brian could no longer fight to get his discovery to go along with more proof that he is innocent and had already put this proof in the court records in November, 2017.

**Now let's read the threats he & others received which is on court records, and you can read these here:** <https://www.courtlistener.com/docket/4304407/united-states-v-hill/>

United States *v.* HILL (1:13-cr-00435)

District Court, M.D. North Carolina

**Last Updated:** Jan. 23, 2022, 6:34 a.m. EST

**Assigned To:** [Thomas D. Schroeder](#)

**Date Filed:** Nov. 25, 2013

**Date Terminated:** Nov. 12, 2014

**Date of Last Known Filing:** Dec. 6, 2021

If Brian is guilty, why is he fighting so hard to prove he is innocent? Knowing his medical record which is on these court records, why does this same judge and this same prosecuting attorney keep saying he is guilty without acknowledging any of Brian's proof of innocence, fighting to make sure he does not get a copy of his discovery (The proof supposedly of his guilt) & ignoring his witnesses who have written of his innocence with proof, denying Brian his constitutional rights & making sure he's the only judge?. Why have these threats not been investigated? Why is this judge knowing Brian's medical history not allowed any expert medical witnesses to testify. Could this be another reason for a set up with indecent exposure? To Brian's family, this explains why there is a pink camera in his possession and not the large black camera with the camera bag that he does use, why are there nude photos of him (if drugged that night), why he had a back pack that was not his, why he is wearing a type of cap that he never wears on outings with us when it is cold or at any time, why he had no emergency medical supplies with him, why someone would call the police who would find a camera in his possession with nude photos of him and a copy of the probation form he uses with his name on that, perhaps even why the doctor or nurse in the emergency room not providing any test results to prove he's diabetic, has been exposed to carbon monoxide for almost a year in his home, and maybe some drugs in his system from the man in the hoody and no body cam at court that Brian & his family asked to be used (perhaps someone from the police department involved to bring Brian down as recorded in those threat letters)? Read them yourself and then decide.

He does have autism which had gotten worse from the carbon monoxide but knowing Brian as we do, nothing else makes sense, add the part that he is under constant care by his mom except the few hours at night that she needs sleep, and this all happened while she was sleeping. She was waking up at 4:30 every morning to test his blood glucose after the 2 seizures he had one night (which happened while they were exposed to carbon monoxide), and someone calls the police at 3 AM. All of this needs to be investigated, too many holes in this case too just like the child porn setup with threats. The judge & prosecuting attorney saying he's guilty does not make it so. There are many people documented who have spent years in prison who were found to be innocent even though the judge & prosecuting attorney said they were guilty.

United States *v.* HILL (1:13-cr-00435)

District Court, M.D. North Carolina

<https://www.courtlistener.com/docket/4304407/46/united-states-v-hill/>

**Sep 30, 2014 # 46** DECLARATION of Susan Basko in Support of BRIAN DAVID HILL'S Motion to Withdraw Guilty Plea, Motion for a Substitute Attorney, Sentencing, and any other purposes.  
(Attachments: # (1) [Main Document](#) Declaration

If you download these, you can read them better. You will also see in **Attachment 1 Exhibit A** where Brian reported these to the FBI in 2015.

**Apr 3, 2015 # 71 Attachment 1 Exhibit A Page 2** (Threat sent to Brian by text on Feb 14, 2015) Basically when you read this it is saying “We will send you more child porn, Brian, stay as a sex offender and go get raped like a good sex offender. You will never win, you will never prove whom planted child porn in your drive. We can sneak into Sue Basko’s house and plant child porn in her hard drive hahahahaha”. There is a lot of bad language which we will not repeat here, but you can see this threat for yourself.

<https://www.courtlistener.com/docket/4304407/71/1/united-states-v-hill/>

**Exhibit A Page 5** This was an email sent to Susan Basko that she emailed to us on 2/6/2015. It says “Brian Stop Appeal” (title) “Tell Brian to stop appeal in da court. He will not win even if he does we have authorities to set him up with child porn again. Think about it before you testify. You too Scott (sounds like this one went to one of Brian’s attorneys). Tell Brian to cut his appeal or I will set him up to cut him”.

**Exhibit A Page 6.** This is another email Susan Basko emailed to us (Brian’s grandparents) on 2/6/2015 that she had received: It says basically “I warned you. Brian David Hill will suffer and it is his fault for not sticking with his paedophile guilty plea. Bad things will happen to him We promise you if Brian hasn’t already been destroyed you all will never remove him from sex offender list. Brian will regret what he filed with the court He will pay possibly with his life Police watching him however we are watching him too even if he is under supervised release we can send thousands of child porn to Brian’s email address and he will never know until he is allowed on the net then BOOM violation of probation then even they will beat him up”

**Exhibit B — Document #71, Attachment #2**

<https://www.courtlistener.com/docket/4304407/71/2/united-states-v-hill/>

**Page 21-22** is an email Susan Basko sent to Brian’s attorney, Jones and a copy to Brian’s mom & grandparents on 2/16/2015 informing Mr. Jones that he needs to do something about this. She said that she is writing to him again as he is the one handling Brian’s appeal. She said that Brian is the guy who was set up with child porn, and someone keeps sending her and others (You can read these yourself on court records, and they have been there since 2015). This is a long threat email they sent to her & others with more threats. This was reported to the FBI by those receiving it, and Brian reported the ones they sent to him in 2015. Why was all of this ignored & keeps being ignored?? They admitted AGAIN just like they did in 2012 & 2013 putting child porn on Brian’s computer & the hard drive that his attorney picked up from the Mayodan, NC police department and took to Brian in Martinsville, VA. They said they had Brian on possession and his attorney on distribution. Read it and all of the other threats, then explain to us why you think nothing is being done or has been done. All of this is in federal court records. Brian has reported this to the FBI more than once. We have too more than once. They keep ignoring it & us.

Here are some more on the court records with where to find them. The more we read these & the threats, the more we know he is being set up. What kind of monster or monsters does this to someone with all of Brian’s severe disabilities, and where are the law people & courts who are supposed to protect us from these monsters??? Meanwhile, Brian keeps fighting to prove his innocence and keeps being ignored.



**Exhibit I — Document #71, Attachment #9 Page 11 sent to Brian (Email) on April 11, 2013. Submitted AGAIN to the court on 4/03/2015**

<https://www.courtlistener.com/docket/4304407/71/9/united-states-v-hill/>

**Brian's 2255 submitted on Nov 14, 2017 Document #128**

<https://www.courtlistener.com/docket/4304407/128/united-states-v-hill/>

**Exhibit — Document #131 Page 70-71 Threats to Brian in Email in 2013.**

**Article "Child porn investigations may snarl the innocent" from 2010 Page 79-88**

<https://www.courtlistener.com/docket/4304407/131/united-states-v-hill/>

**Exhibit — Document #134**

<https://www.courtlistener.com/docket/4304407/134/united-states-v-hill/>

**Brian's grandmother, Stella Forinash is testifying here that Brian is innocent of child porn charges & reasons PAGE 34-71**

NC SBI says the first time files were downloaded was on **July 20, 2012**. The Rockingham County police department spotted the child porn very early. This agrees with what Brian said on the Alex Jones Prison Planet on **July 12, 2012** when he said that the police were watching him and his mom and looking for a reason to arrest them, and he was afraid the police department was going to set him up. (See Document Police removed all computers and hard drives from Brian's house on **August 28, 2012** (netbook on August 29, 2012). According to this NC SBI Discovery Report, this child porn continued being downloaded until **July 28, 2013 (11 months after Asst attorney's brother, Bridge and Mayodan police removed it from Brian's house)**. Case 1:13-cr-00435-WO Document 45 Filed 09/26/14 Page 20 of 20.

**On Page 54 above. Page 55 below**

of 2. **US v. Hill - Hearing - September 30, 2014** is where Brian's grandparents & Attorney Sue Basko told the judge that Brian was innocent of knowingly downloading child porn. This was the same court case where Brian D. Hill's court appointed attorney and the prosecuting attorney confessed to the judge that they had received emails from Attorney Sue Basko and calls from others coming forth to be witnesses for Brian and that they ignored Brian's witnesses (Entire transcript is in court records). This is the same hearing that the judge appointed a new attorney for Brian, but too late as Brian's health had gone down too low from over 9 months of not getting the right amount of insulin prescribed by his diabetic doctor for the past 22 years. (From the age of 21 months to the age of 23+ years).

**Brian's Grandpa, Kenneth Forinash is testifying for Brian: Page 73-75**

I have known Brian David Hill since December 2000. He has gone on day trips and extended trips with his mother, Roberta Hill, grandmother, my wife, Stella Forinash and myself numerous times. Due to his diabetes and autism he always stayed with us when we went on these trips. I have never seen him approach a child, or show any interest in a child. His main hobby was taking pictures of scenery, and he did not want any human in his pictures. He would get agitated when someone walked in front of him while he was taking a picture.

I tried helping his mother and grandmother find help for his autism while he lived in North Carolina and after he moved to Virginia. We had very little luck getting assistance from any groups in NC, but after moving to Virginia in September of 2012 he was placed on a Medicaid waiver immediately after applying due to all of his medical and mental problems. There is normally a 7 year waiting list for this waiver, but he was placed on it right away. This waiver made it possible for someone to be paid for 40 hours of assistance and respite for Brian per week. In addition to this waiver, there were also individuals from EHS Support Services LLC that would take him on hikes, and to the YMCA. They also made it possible for him to see a counselor for his OCD problems.

**Brian's mom, Roberta Hill is testifying for Brian: Page 76-87**

To Whom This May Concern:

I am Brian David Hill's mom, and I am a witness to many events that have occurred in Brian's case. I believe that my son is innocent of any wrong doing. The crime that he was accused of paints a different picture of my son, than who he is as an actual person.

I also am a witness to how autism and Obsessive Compulsive Disorder (OCD) affects my son. Since he was a very young child he has been sensitive to receiving hugs from anyone and does not like to be touched on his shoulders. This is not uncommon for someone with autism. With his OCD he is very sensitive to anyone touching him or his stuff and constantly washes his hands and uses Germ X due to his fear of getting dirty or getting germs. Because of his autism he has never had a girlfriend and he is a virgin, yet the court has put him on the sex offender registry. He has never been accused of sexually molesting a child or of raping an adult, and yet he is being treated as if he is a threat to society.

I have compiled a list of my eyewitness accounts in his case.

Brian says that he had been downloading child porn for 1 year or so. The evidence only shows that there were photos on his computer for 39 days prior to the police raid. This is the time frame in which my son was dealing with a virus on his computer. About almost 11 months of those dates is when his computer was in the custody of the Mayodan Police Department and the State Bureau of Investigations of North Carolina. This is a clear false confession that can be proven from the interview records of the Mayodan Police Department and the discovery report.

**Actually, we noticed later that they asked Brian about downloading things, then later changed their wording to "child porn" Brian was confused and was talking about downloading music. The police knew Brian was disabled, yet disobeyed the "Americans with disability act" by questioning him alone without someone present who was trained in autism. They refused to let us hear that tape. Brian said things that was on paper that looked to us like he was just repeating what they said to him which is part of autism when one is stressed to the limit, and all of us were stressed after that police raid. If we or an autism professional could have heard that tape, I'm sure that is what was going on.**

**Brian downloads proof of his autism: Pages 88-99**

**<https://www.courtlistener.com/docket/4304407/134/united-states-v-hill/>**

**Document 134 & there are many more threats & a lot of proof of innocence that Brian has shared, but this letter is getting too long, and we're getting too tired.**

Anything you could do to help this young man would help immensely. If there is anything further you need from me, please feel free to have your office contact me at the above address or phone number.

Thank You,

Kenneth R. Forinash, TSgt, USAF, Ret

**Stella B. Forinash (I can put an affidavit if needed with witness signature notary that I am telling the truth). Thank you for your time reading this. 1/23/2022**

United States District Court  
for the  
Middle District of North Carolina



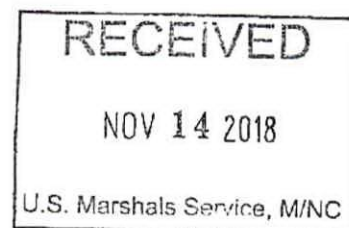
USA v. BRIAN DAVID HILL

Docket No. 1:13CR435-1

TO: THE UNITED STATES MARSHAL FOR THE MIDDLE DISTRICT OF NORTH CAROLINA OR ANY OTHER AUTHORIZED OFFICER:

WARRANT FOR ARREST OF SUPERVISED RELEASE VIOLATOR			
You are hereby commanded to arrest the within-named violator and bring him or her, forthwith, before the United States District Court to answer charges that he or she violated the conditions of his or her probation imposed by the court.			
NAME OF VIOLATOR <b>BRIAN DAVID HILL</b>	SEX <b>M</b>	RACE <b>W</b>	AGE <b>28</b>
ADDRESS (STREET, CITY, STATE)			
SUPERVISED RELEASE IMPOSED BY: MIDDLE DISTRICT OF NORTH CAROLINA		DATE IMPOSED: 11/10/2014	
TO BE BROUGHT BEFORE: MIDDLE DISTRICT OF NORTH CAROLINA, GREENSBORO, NORTH CAROLINA			
CLERK: JOHN S. BRUBAKER	BY (DEPUTY CLERK) /s/Joy Daniel	DATE 11/14/2018	

RETURN		
Warrant received and executed.	DATE RECEIVED <b>11/14/18</b>	DATE EXECUTED <b>12/22/18</b>
EXECUTING AGENCY (NAME AND ADDRESS) <b>USMS</b>		
NAME <b>Steven L. Gladden</b>	(BY) <b>[Signature]</b>	DATE <b>12/22/18</b>





U.S. Department of Justice  
United States Marshals Service



## DETAINDER

### BASED ON VIOLATION OF PROBATION AND/OR SUPERVISED RELEASE

United States Marshal  
Western District of Virginia  
(District)

P.O. Box 2280  
Roanoke, VA 24009

(Return Address and Phone)

Please type or print neatly:

TO: Martinsville City Jail  
55 West Church Street  
Martinsville, VA 24112  
ATTN: Records

DATE: November 15, 2018

SUBJECT: HILL, Brian David

AKA:

DOB/SSN: 5/26/90 [REDACTED] 0319

REF. # FID#9402184

USMS #: 29947-057

CR #: 1:13CR432-1

Please accept this Detainer against the above-named subject who is currently in your custody. The United States District Court for the Middle District of North Carolina has issued an arrest warrant charging the subject with violation of the conditions of probation and/or supervised release.

Prior to the subject's release from your custody, please notify this office at once so that we may assume custody if necessary. If the subject is transferred from your custody to another detention facility, we request that you forward our Detainer to said facility at the time of transfer and advise this office as soon as possible.

The notice and speedy trial requirements of the Interstate Agreement on Detainers Act do NOT apply to this Detainer, which is based on a Federal probation/supervised release violation warrant.

Please acknowledge receipt of this Detainer. Please provide one copy of this Detainer to the subject and FAX one copy to this office at 540-857-2032.

FAX No.

RECEIPT	
Date:	11-15-18
Signed:	U. R. Acord
By:	Robin Acord
Title:	SA

Very truly yours,

Richard Sellers  
(Signature)

Richard Sellers, Acting U.S. Marshal  
(Name and Title)

Requested by: Chrissy Dinnerville, Criminal Program Specialist



IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



UNITED STATES OF AMERICA )

v. )

1:13CR435-1

BRIAN DAVID HILL )

**JUDGMENT AND COMMITMENT**  
**Supervised Release Violation Hearing**

On September 12, 2019, a hearing was held on a charge that the Defendant had violated the terms and conditions of supervised release as set forth in the Court's Order filed July 24, 2015 and the Judgment filed November 12, 2014 in the above-entitled case, copies of which are attached hereto and incorporated by reference into this Judgment and Commitment.

The Defendant was represented by Renorda E. Pryor, Attorney.

The Defendant was found to have violated the terms and conditions of his supervised release. The violation(s) as follow were willful and without lawful excuse.

Violation 1. On September 21, 2018, the Defendant was arrested for the commission of a crime.

IT IS ORDERED that the Defendant's supervised release be revoked. The Court has considered the U.S. Sentencing Guidelines and the policy statements, which are advisory, and the Court has considered the applicable factors of 18 U.S.C. §§ 3553(a) and 3583(e).

IT IS ORDERED that the Defendant be committed to the custody

of the Bureau of Prisons for imprisonment for a period of nine (9) months.

IT IS FURTHER ORDERED that supervised release of nine (9) years is re-imposed under the same terms and conditions as previously imposed.

The Defendant shall surrender to the United States Marshal for the Middle District of North Carolina or to the institution designated by the Bureau of Prisons by 12:00 p.m. on December 6, 2019.

A handwritten signature in black ink, appearing to read "T. Court", is written over a horizontal line.

United States District Judge

October 4, 2019.

LETTER TO HONORABLE JUDGE GILES CARTER GREER AND THE  
CLERK OF THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

RE: COMMONWEALTH OF VIRGINIA AND CITY OF MARTINSVILLE  
V. BRIAN DAVID HILL; CASE NO. CR19000009-00

FRIDAY, FEBRUARY 11, 2022

<b><u>ATTN: Hon. Giles Carter Greer</u></b>	<b>Circuit Court for the City of Martinsville</b> <b>55 W. Church Street</b> <b>Martinsville, VA 24114-1206</b> <b>Phone: (276) 403-5106</b> <b>Fax: (276) 403-5232</b> <b>email: <a href="mailto:cgreer@ci.martinsville.va.us">cgreer@ci.martinsville.va.us</a></b>
<b><u>ATTN: Clerk of the Court - Hon. Ashby R. Pritchett</u></b>	<b>Circuit Court for the City of Martinsville</b> <b>55 W. Church Street</b> <b>Martinsville, VA 24114-1206</b> <b>Phone: (276) 403-5106</b> <b>Fax: (276) 403-5232</b> <b>email: <a href="mailto:APritchett@vacourts.gov">APritchett@vacourts.gov</a></b>

Dear Hon. Judge Giles Carter Greer and Hon. Ashby R. Pritchett,  
CC: Respondent Glen Andrew Hall, Esquire, Commonwealth Attorney

I apologize for my motion being worded in such a way where it can be misconstrued as a "Petition for the Writ of Actual Innocence". I have modified the text of the motion and created a new corrected Motion to reflect the Rule of the Court and the specific rule regarding a Motion for a New Trial or Motion for Judgment of Acquittal. The Clerk told me my motion was construed differently then a motion.

I am willing to face a new trial if that is what the Court feels is best. I have a criminal defense under new Virginia Law which did not exist in 2019 when I had withdrawn my appeal. Everything else should be okay in the motion as it reflects a statutory or rule remedy. It had never asked to be only construed as a Petition for a Writ of Actual Innocence. I am not a lawyer and apologize to the Court for not making that clear in my Motion. Luckily the Clerk read your February 10th order to me over the phone, with my mom also on the line. After that she worked on the email and I worked on the corrected new motion and the evidence in support so that she can email it to the Clerk to be filed. That way the new motion is hopefully to be construed as a motion.

Also the evidence is having to be refiled as it was for the old motion which was

construed as a Petition for the Writ of Actual Innocence. It is the same evidence and is not anything different other than being in support of the CORRECTED MOTION.

I apologize for the confusion and ask the Court for forgiveness on the way the Motion was worded which had caused you to construe it as something it was not meant to be construed as. My mother will email a copy to both the Commonwealth and to the Clerk and to you, your Honor, so that it is not an ex parte letter.

The only evidence I will not refile is the one memorandum which was later modified with an Amended version. So I ask for forgiveness for having the words “writ of actual innocence” which gave you the wrong idea of what the motion was for.

Again it is based on Virginia Rules of the Sup. Ct. 3A:15; Virginia Code § 19.2-271.6; and Schlup v. Delo, 513 U.S. at 327 — 28. Settles v. Brooks, Civil Action No. 07-812, 18 n.6. All mentions of “writ of actual innocence” have been removed but the facts of innocence will remain in that motion since facts of innocence do warrant Judgment of Acquittal or New Trial based on Virginia Rules of the Sup. Ct. 3A:15. So, it was never meant to be a Writ Petition. I apologize.

I am entitled to a new trial based on new evidence which could not have been allowed at the time of the jury trial set for December 2, 2019. The law came into effect in the year 2021, referring to Virginia Code § 19.2-271.6. A new law which made evidence previously inadmissible is now admissible after I had withdrawn my appeal.

So I ask the Judge to construe my newly filed Motion and evidence in support, is regarding a Motion for a New Trial or Judgment of Acquittal. It was not meant to be a Petition for the Writ of Actual Innocence in the Circuit Court. Thank you your honor!

  
*Signed*

Brian D. Hill

God bless you,  
Brian D. Hill

Ally of Q, Former news reporter of U.S.W.G.O. Alternative News  
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VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,  
CITY OF MARTINSVILLE,  
PLAINTIFF,

v.

BRIAN DAVID HILL,  
DEFENDANT.

CASE NO: CR19000009-00

**LAST MINUTE EVIDENCE**

**LAST MINUTE EVIDENCE IN SUPPORT OF DEFENDANT'S**  
**“MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL**  
**BASED UPON NEW EVIDENCE WHICH COULD NOT BE**  
**ADMISSIBLE AT THE TIME OF CONVICTION; NEW EVIDENCE**  
**OF SPOILIATION OF EVIDENCE COMMITTED BY**  
**COMMONWEALTH OF VIRGINIA; REQUEST FOR SANCTIONS**  
**AGAINST COUNSEL GLEN ANDREW HALL, ESQUIRE (OFFICER**  
**OF THE COURT) FOR VIOLATING COURT ORDERS FOR NOT**  
**TURNING OVER BODY-CAMERA FOOTAGE AND IT IS LIKELY**  
**DESTROYED AND BIOLOGICAL EVIDENCE OF BLOOD VIALS**  
**OBTAINED ON DAY OF CHARGE, ALSO LIKELY DESTROYED”**

COMES NOW the Defendant, BRIAN DAVID HILL (“Defendant”), by and through himself pro se, and submits LAST MINUTE additional pieces of evidence by Stella Forinash a witness to this Honorable Court in support of Defendant's “MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL BASED UPON NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT THE

TIME OF CONVICTION; NEW EVIDENCE OF SPOLIATION OF EVIDENCE COMMITTED BY COMMONWEALTH OF VIRGINIA; REQUEST FOR SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL, ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA FOOTAGE AND IT IS LIKELY DESTROYED AND BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON DAY OF CHARGE, ALSO LIKELY DESTROYED”.

**Last Minute Evidence and final arguments to Hon. Giles Carter Greer:**

1. The **Exhibits 1 through 3** all make very good points. The witness letters by Stella Forinash, an autism advocate, the certified mail and return receipt of the letter mailed to Police Chief G. E. Cassady. Letter ignored by Martinsville Police Department.

2. It all puts together a picture that with the Autism Spectrum Disorder and other evidence submitted in support of Defendant's “MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL BASED UPON NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT THE TIME OF CONVICTION; NEW EVIDENCE OF SPOLIATION OF EVIDENCE COMMITTED BY COMMONWEALTH OF VIRGINIA; REQUEST FOR SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL, ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA FOOTAGE AND IT IS LIKELY

DESTROYED AND BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON DAY OF CHARGE, ALSO LIKELY DESTROYED”; it all shows that Brian David Hill is innocent as a matter of law under Virginia Code § 19.2-271.6.

3. The Commonwealth may try to manufacture or fabricate the intent and ignore the Autism Spectrum Disorder of the Defendant. However it isn’t just the additional last minute evidence with the witness letters from Stella Forinash. Defendant wants the Honorable Judge of the Circuit Court to have the facts that intent can never be proven, ever, in this case. Here is why.

4. On September 21, 2018, The Officer Robert Jones of Martinsville Police Department should not have taken Brian's statements as reliable due to misconceptions of Brian not having Autism Spectrum Disorder when records for years show that Brian David Hill does have Autism. Misconceptions meaning: **“a view or opinion that is incorrect because based on faulty thinking or understanding.”** Officer Robert Jones had faulty thinking and treated Brian David Hill as if his Autism was invisible, and tried to hold Brian Hill completely culpable, as if his Autism meant nothing. His Autism does mean something.

5. The Defendant had tried to locate any records of laboratory tests from the blood drawn from Defendant’s arm on the day of his arrest but the Hospital had informed the Defendant in 2019 that the Hospital doesn’t have any laboratory results from September 21, 2018. The Hospital had refused or failed or just didn’t want to do the laboratory

tests. So it is a fact to the Honorable Court and the Hon. Giles Carter Greer that the Martinsville Police didn't test Brian for any drugs, alcohol, or substances or gas exposure prior to his arrest and not even during his arrest, not even after his arrest. Unless proven otherwise. The Defendant wants to see proof of otherwise, otherwise this fact cannot be challenged.

6. The officer didn't even believe that Brian had Autism after Brian told him and Brian's mother told a Martinsville Police Officer that Brian had Autism. They still didn't believe Brian had Autism, and Brian was questioned by an officer who only felt that Brian was lying or that his story didn't add up. Again read **EXHIBIT PAGE 63 OF 164** in attachment to the original Motion asking for Judgment of Acquittal (MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL BASED UPON NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT THE TIME OF CONVICTION; NEW EVIDENCE OF SPOILIATION OF EVIDENCE COMMITTED BY COMMONWEALTH OF VIRGINIA; REQUEST FOR SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL, ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA FOOTAGE AND IT IS LIKELY DESTROYED AND BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON DAY OF CHARGE, ALSO LIKELY DESTROYED).

The Officer said under Oath in Federal Court:



"A. Talking with him, the time frame **didn't really add up to me at that point**. We made contact with his -- tried to make contact with his mother that night. I don't know if anybody actually spoke to her. I don't recall."

7. Since this Officer doesn't want to believe that a guy in a hoodie exists, there are two reasons why. Either the guy in the hoodie didn't exist and was all caused by a "psychosis" or hallucinations caused by Carbon Monoxide Gas exposure; or the Defendant was on a drug, substance (for example: bath salts, easy to access chemicals or substances), maybe somebody gave him some alcohol, or he was exposed to something else that could have been proven had the laboratory tests been conducted or had drug tests been conducted. They were not. Defendant claimed he was "drugged" in a written letter to a Federal Court; the same Federal Court who conducted direct examination and cross examination of Officer Robert Jones on September 12, 2019 Trial. So let's say Brian was "drugged", then that would explain why his story didn't "add up".

8. The statements Brian David Hill had made to Officer Jones on September 21, 2018 were not reliable since they can't prove whether the Defendant was even on drugs, substances, alcohol, or anything at all or not when they had access to his blood samples aka biological blood samples but was destroyed without bloodwork; and so Brian's statements that night can never be proven as reliable. So it was impossible to be able to determine whether Brian was lying or telling the truth and to determine if Brian really

had intent or not. They didn't even test him for drugs or anything. I mean, wouldn't it be kind of weird to be walking out at night naked on a secluded walking trail with dangerous bears and coyotes and then some vehicle comes on by at one area of the walking trail near a road and calls 911 because that person claimed they saw a naked male "running". They didn't think to test him for any substances like "bath salts" or anything at all but just assumed he was okay??? Right? Brian must have been okay, right?

9. Let us examine what else Officer Robert Jones had said:

“A. Radio traffic came across as a male subject with no **clothes on running down the side of the street** at Hooker Street near the Henry County Public Safety building.”

**CITATION FROM EXHIBIT PAGE 42 OF 164** in attachment to the original Motion asking for Judgment of Acquittal (MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL BASED UPON NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT THE TIME OF CONVICTION; NEW EVIDENCE OF SPOILIATION OF EVIDENCE COMMITTED BY COMMONWEALTH OF VIRGINIA; REQUEST FOR SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL, ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA FOOTAGE AND IT IS LIKELY DESTROYED AND BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON DAY OF CHARGE, ALSO LIKELY DESTROYED).

9. Think about it. He didn't even approach the vehicle but was just running.

Nobody has proclaimed to be a victim here. Probably somebody who called 911 out of concern, out thinking that 911 had to be called because it was some kind of crisis or medical emergency perhaps. The 911 caller didn't think the police and the

Commonwealth Attorney would even go this far over a “medical emergency” as what Stella Forinash calls it in her witness letter or letters, a **“medical Emergency”**.

Probably wondering why this “man” was running naked as if lost out of his mind. Now with the passage of Virginia Code § 19.2-271.6., temporary mental insanity can now be brought up as a defense, regarding lack of intent. Having a psychiatric episode at the time can now be brought up as a defense under Code § 19.2-271.6.

10. The officer took Brian's statements while treating his autism, his “permanent disability” as if it didn’t exist when the evidence shows it does exist, and probably got his statements twisted on September 21, 2018, because the Officer who questioned Brian treated Brian like his Autism was invisible. The Officer probably assumed not factually but just assumed as any idiot who doesn’t understand AUTISM, probably thought he was lying. So he didn't even believe Brian's claim that Brian had Autism despite the fact it can be proven through Department of Motor Vehicles handicap placard records which Officer Jones could have easily contacted the DMV to check Brian's records. See **EXHIBIT PAGE 2 and 3 OF 164 in attachment to the original Motion asking for Judgment of Acquittal (MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL BASED UPON NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT THE TIME OF CONVICTION; NEW EVIDENCE OF SPOILIATION OF EVIDENCE COMMITTED BY COMMONWEALTH OF VIRGINIA; REQUEST FOR SANCTIONS AGAINST COUNSEL GLEN ANDREW**

HALL, ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA FOOTAGE AND IT IS LIKELY DESTROYED AND BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON DAY OF CHARGE, ALSO LIKELY DESTROYED). It says in that record for the Court: in quote **Brian David Hill had suffered under “permanently limited or impaired. A permanent disability...”** You heard that right Hon. Giles Carter Greer.

11. This Court has the proof that Brian suffers under a permanent impairment or limitations, a handicap, a disability, it is not temporary. The Officer could have easily contacted the DMV to verify Brian’s claims but instead he assumed that Brian was lying about his Autism, the Officer was proven wrong IN THIS COURT OF LAW and other COURTS OF LAW. The Federal Court and the U.S. Probation Office has separate evaluations also proving that Brian David Hill has Autism Spectrum Disorder. One evaluator may have been Dr. Keith Hersh, PHD in North Carolina. There are many records proving that Brian David Hill has had Autism for most to almost his entire life. Officer Robert Jones couldn’t even believe Brian even told the truth about his Autism and yet questioned Brian as if he didn’t have Autism. Brian’s statements were unreliable. The Court should consider that all of his statements on September 21, 2018 may have been unreliable and based upon false assumptions by Officer Robert Jones. False assumptions of lying and not even testing Brian for any substances, gases, drugs, alcohol or anything at all. Just assumed Brian was lying and left it at that, charged him.

12. Dennis Debbaudt a Law Enforcement training expert said people with Autism can give false confessions and misleading statements. It is a fact. Not purposefully giving misleading statements. Just simply those with Autism can give misleading gestures and body language. Defendant's family gave the link for the judge to check out the website of this law enforcement training expert. See <https://autismriskmanagement.com/> said: "Dennis Debbaudt's Autism & Law enforcement content and curriculum development has set the standard for autism training for policing, public safety and criminal justice professionals in the U.S., Canada and globally." Again read the article in the main Motion Exhibits titled: "Interview and Interrogation of people with autism (including Asperger syndrome)". That should clue the Judge and the Police Officers in on why they made false assumptions that Brian David Hill was lying or not telling the truth. They treated Brian's AUTISM like it didn't exist, like it was invisible. It is not invisible. Yes it does exist and Brian David Hill has Autism and has always had Autism since the original diagnosis from TEACCH, University of North Carolina in 1994, when Defendant was four years old at the time.

13. So Officer Jones made a false or erroneous determination of Brian Hill's unreliable statements and made the wrongful or false assumption that Brian David Hill was somehow lying when being questioned alone without his autism advocates present at the time due to not believing he had Autism. Brian doesn't have intent and any statements Brian had given Officer Jones on Sept. 21, 2018 should not be allowed to

determine intent either because the Officer didn't even believe Brian was autistic despite overwhelming evidence Brian is autistic. **A permanent impairment** he suffers as the DMV calls it in their handicap placard forms.

14. One of the reasons the Defendant believes as to why the body-cam footage was destroyed and never given to defense counsel was because Brian was questioned with cuts and abrasions all over his body. That would have been painful. That is like questioning Jesus Christ while nails were hammered into his hands and then being hung on top of a cross with blood pouring down, with holes in his hands. Can somebody talk straight or think straight while under pain and suffering from cuts, abrasions and knew pain??? Pain affects the ability to think straight. Brian made unreliable statements on September 21, 2018, not just because of Carbon Monoxide gas exposure, Brian had scratches, cuts and/or abrasions all on his body and complained of knee pain. I bet the officers at Martinsville City Jail may be able to testify as to Brian's condition on September 21, 2018. Any medical doctor can tell you that.

15. So Brian had dealt with pain and at the time was questioned alone with Autism while the Officer didn't even believe Brian even had Autism despite the clear documentation at the Martinsville Department of Motor Vehicles handicap placard. Despite Piedmont Community Services. Despite being counseled by LCSW counselor Preston Page. Brian was questioned alone without any advocates and gave statements which Officer Jones determined “didn't really add up to me” so he assumed Brian was

lying and mistook Brian's facial or body gestures. He as any detective in a police department is taught to notice things when questioning a normal person to determine truthfulness but questioning somebody with Autism Spectrum Disorder is different, it is like night and day. False confessions and misleading statements as Dennis Debbaudt had said in his whitepaper. Why don't the Court subpoena him under oath and ask him about all of this? About Brian's behavior and his statements and his autism? Ask the expert witness and you will see what is really going on here.

16. So the jury or judge would need to be given instructions as to the mental and medical issues since it is now admissible. Mistook Brian as lying and relied on his unreliable statements. They are unreliable and can never be proven reliable.

17. The Officer claimed wrongfully that Brian David Hill was psychologically cleared before he was arrested. The only way Brian would not have been considered psychologically cleared and admitted to the Mental Ward at Martinsville Hospital would have been if Brian talked about (1) killing or harming himself, (2) discussing wanting to harm or kill others, and/or (3) that he saw things or heard things that other people did not see. It is wrongful that they wouldn't admit him to the psychiatric unit of the Hospital, even when it was clear something wasn't right that night. So because Brian didn't talk about wanting to harm others, or didn't talk about killing other people, or didn't talk about wanting to harm himself or killing himself, they wouldn't admit him and claimed he was psychologically cleared. That is nonsense right there. Brian doesn't

have to talk about killing himself or others to be admitted to the Psych Ward. That is ridiculous. Brian already had two of the criteria met as to why he clearly should have been admitted to the Hospital, that Brian was not psychologically cleared that night.

1. Brian David Hill had cuts and abrasions all over his body, the body-camera footage recorded by Officer Robert Jones would have shown this proof as the cuts and abrasions were on the front of his naked body. The psychiatrist could have taken that as irrefutable evidence of “self-harm”. That alone would have justified involuntary commitment whether by Court Order or not. The psychiatrist at the Hospital did not see the cuts and abrasions that day. They didn’t know.
2. Brian’s family had come to the Hospital after Martinsville Police informed Brian’s mother about his behavior on September 21, 2018; and even asked her if Brian was autistic. The psychiatrist clearly could have asked his family if his unusual “nude activity” was normal for Brian. They would have immediately said that it was not normal behavior of Brian and that would have further justified involuntary commitment to the Mental Ward whether by Court Order or not. The psychiatrist would have treated this as some form of psychiatric episode or a crazy behavior. Dr. Conrad Daum thought Brian had “psychosis” a month after Brian David Hill was arrested. Something clearly wasn’t right with Brian that night, he was not psychologically cleared by the normal standards of



Hospitals. Dr. Conrad Daum's diagnosis conflicts with the Officer's fact of claiming that Brian Hill had been psychologically cleared.

3. Brian kept claiming there was a guy wearing a hoodie threatening to kill Brian's mother. Again, Dr. Conrad Daum a forensic psychiatrist thought Brian had "psychosis" a month after Brian David Hill was arrested, after listening to Brian's story about the guy in the hoodie. The Officer acted as though Brian's story or timeframe didn't really add up. Well, if you are hallucinating or suffering under a psychosis which both symptoms are caused by Carbon Monoxide gas, or if maybe Brian Hill was drugged and that made him see things which clearly others did not see. The psychiatrist who evaluated Brian at the Hospital that night should have spoken directly with Officer Robert Jones who arrested and handcuffed Brian. If the Officer tells his viewpoint that he doesn't believe the "guy in the hoodie" even exists, then that in combination with the evidence of "self-harm" in paragraph 1. as noted above, should have been more than enough to justify involuntary commitment to the Mental Ward whether by Court Order or not. Brian is claiming to have seen and heard things that other people did not find or see, that should have been grounds for involuntary commitment to the Mental Ward. The problem was that Brian believed in the guy in the hoodie so much, thought he was real that Brian didn't think it was something only he could see. Somebody who had a psychiatric

breakdown or psychiatric episode would not admit to that. A crazy person will not admit to being crazy. The police should have described what had happened and Brian would have been committed to the Hospital. The problem was Brian's family was not asked questions by the evaluator at the Hospital. The Officers who dealt with Brian's nakedness were not asked questions by the evaluator at the Hospital. So the evaluator didn't know or understood that Brian David Hill had needed to be hospitalized at the time instead of being discharged prematurely, labeled as "psychologically cleared". What a load of junk.

4. Brian David Hill clearly was suffering under Carbon Monoxide Gas poisoning, or under a gas or substance or narcotic or alcohol or something. As for why he wasn't drug tested by police, I wouldn't know? If Brian was committed upon looking at his body to see the cuts and abrasions on his naked body which would be considered evidence of self-harm, they could have conducted more laboratory tests and drug tests, find out why Brian had behaved the way he did that night. They would have found weird levels in his blood and that would have led to a Carboxyhemoglobin lab test which would have found evidence of Carbon Monoxide Gas poisoning. The Fire Marshals of Henry County would have gotten involved with Brian's case, and the Police would have considered not filing any charges. The result would have been different. That is a fact.

18. Any and all statements Officer Jones ever says or claimed about Brian Hill's claims toward police may even be hearsay because if they were so confident that Brian David Hill was just some liar and that was it, then why was there spoliation of evidence, spoliation of evidence of Brian's statements through the body-camera footage because that footage was destroyed by Martinsville Police Department. DESTROYED, despite the Court Orders for discovery materials and recorded statements of the Defendant and Brian repeatedly begging for the bodycam footage through written letters. Like the written letter by Stella and Kenneth Forinash. It is clear that regardless of what was found on the SD Card and using Brian's claims against him to attempt to manufacture intent out of thin air, it is clear that his Autism Spectrum Disorder negates intent and there was no intent because they never verified that Brian was clean of any substances, drugs, anything. Brian could have accidentally ate or sniffed bath salts which anybody can buy in any store and that could have led up to what had happened. Brian could have smelled chemicals long enough to affect his brain. Because the Officer never believed Brian's factual evidence that Brian had Autism, never tested Brian for any drugs, substances, gases, anything, Brian had cuts and abrasions all over his body while making statements to Officer Jones. His statements about anything that night should be subject to being treated as UNRELIABLE. UNRELIABLE STATEMENTS.

19. It is clear that Brian David Hill did not have clear intent and the Virginia Code § 19.2-271.6 codified statute has shown that Autism Spectrum Disorder is relevant to be

used as a defense as a matter of fact regarding the "intent" element when intent is necessary to sustain a criminal conviction.

20. The Officer brought out that Brian Hill had flashlights, a camera and SD Card, clothes in the backpack, shoes, socks, but nothing else. No extra batteries for this camera, no tripod for this camera, no cleaning cloth for the camera lens and not even an extra SD card. If Brian had any intent to do this, then why just a camera and a SD card??? Why not bring his camera bag??? Why not bring extra batteries and SD cards? Why not bring his diabetic insulin and glucose tablets too??? Why not bring a cell phone for that matter??? Any maps or notes??? Anything to help him with his so-called “intent” to commit such an offense??? No extra batteries for this digital camera while walking naked miles away from home??? No sodas??? No apple juice, nothing, no snacks??? Doesn’t that seem weird for a guy intending to do this??? No food or drinks for a diabetic miles away from home at night without a cell phone???

21. How would Brian take the photographs without something like a selfie stick or a tripod??? Would it be farfetched that somebody drugged Brian and just directed him to pose for the photos like Bill Cosby drugging women to have sex with them??? How is it possible for Brian to take the photographs??? Where is the link here?

22. Doesn't matter what Officer Jones had claimed in the Transcript or of what U.S. Probation Officer Jason McMurray had claimed in regards to the SD Card or anything. Brian's claims were unreliable in 2018 and should not have been used to

determine lying or telling the truth. They didn't even believe Brian had Autism and took his statements as if his Autism didn't even exist but it did exist.

23. Brian did not have intent, it doesn't matter about any of Brian's statements made on September 21, 2018 because they were unreliable when the Officer did not accept or believe Brian had Autism that night. Didn't test him for any drugs or anything at all. The Officer didn't know Brian was diabetic when it is extremely important to tell an arresting officer that your insulin dependent diabetic. That doesn't make any logical sense either for somebody who may be intentionally planning and wanting to do this. Brian's statements made to Martinsville Police are impeachable and cannot be used to determine his intent. His intent cannot be determined based on Brian's claims about a guy in a hoodie. Intent cannot be determined based on any of Brian's claims about an SD Card, all of that is irrelevant because of Brian's unreliable statements due to his Autism. At this point Brian didn't say anything reliable on September 21, 2018, had no intent at all. His Autism Spectrum Disorder, as a matter of law, negates intent when intent applied under normal circumstances under a normal person arrested for a crime differ from somebody under the different behaviors of Autism Spectrum Disorder.

24. Judge Greer needs to read this expert witness whitepaper on Autism when questioned by a first responder, which would be, in this case, OFFICER ROBERT JONES. Here is a citation directly from the Whitepaper by Dennis Debbaudt:

**“Misleading indications of guilt”**

**“There will be occasions when first-responders refer a case involving a person with autism for further questioning. In most cases this will involve an individual who apparently communicates very well and has achieved a high level of independence in the community.”**

**“Higher-functioning or more independent individuals with autism may live alone or without constant supervision, be able to drive or use public transportation, hold a job, and enjoy leisure activities.** They may possess apparently normal verbal skills **but be deficient in comprehension, social awareness, and decision-making.** They may appear as quite normal at first, but the symptoms, behaviours, and characteristics - for example, providing blunt or tactless answers, changing the subject, or being unable to understand or accept a rational answer - will become apparent to the educated investigator. However, without an understanding of the disability it will be easy to misinterpret the information provided as an indicator of guilt. They may provide no eye contact at all, even when a questioner shifts their position to obtain it. The person may have been taught to give eye contact but this may be perceived as insincere, glaring, or fixated. The interviewer may mistake this unusual eye contact as a tension-relieving technique used by a guilty person, when it is nothing more than a symptom of the condition of autism. **When stressed, communications skills may diminish or disappear. Answers may seem evasive or unconnected to the question that was asked.** Individuals may appear belligerent, argumentative, stubborn, or inattentive - behaviour that may seem indicative of a person with something to hide. They can easily become the object of increased scrutiny by the questioner.”

However this Court needs to take note as to Dennis Debbaudt’s expertise regarding the issues of Law Enforcement questioning an autistic individual who **“may live alone or without constant supervision, be able to drive or use public transportation, hold a job, and enjoy leisure activities.”** Brian’s autism issues are worse than regular people with autism. So his situation is far worse.

25. As outlined in paragraph 24 citation, Brian David Hill had no “drivers license” and does not even drive a car. Brian’s autism is worse than a highly functional autistic person theoretically argued in Dennis’s whitepaper. He cannot drive and cannot use

public transportation alone. He requires his mother, Roberta Hill who is his caretaker to drive him everywhere. Even Doctors' appointments and Dentist appointments. His mother has to drive him to go hiking, go shopping, and even go out to eat at a restaurant. Brian's situation differs and is far worse than an autistic person who can "hold a job" as Brian D. Hill does not work a job and is permanently disabled. He does enjoy "**leisure activities**" but always under the supervision of his mother. He can enjoy "**leisure activities**" at home without his mother needing to drive him in a car, but it is limited to things like television, playing video games, talking on the phone, faxing, working on legal documents and papers, watching shows or movies, just regular normal lawful activities and stuff. Robert Jones took Brian's statements as if they did not add up which was why he thought Brian was lying. Dennis makes an explanation about that in regards to autism. He said again: "Answers may seem evasive or unconnected to the question that was asked". That answers the question there. So the officer already didn't want to believe Brian had Autism. Brian warned Officer Robert Jones that Brian had Autism and he didn't want to believe it. Brian's statements are UNRELIABLE and INEFFECTIVE.

26. Dennis said that people with Autism being interrogated or questioned may produce a faulty investigation or even a false confession. He said from his whitepaper report that: "Without some elements of "trickery", such as leading the suspect to believe that the police have some tangible or specific evidence of guilt, many interrogations will

be totally ineffective' (Inbau and Reid 1967, p.196)...**The higher-functioning person through his or her responses, and the unaware interrogator through their beliefs, may become unwitting accomplices to continuing a faulty investigation** in the best case or, in the **worst case, to extracting a false confession.**” Martinsville Police had a faulty investigation. Charged Brian David Hill quickly without understanding that Brian Hill had Autism and without believing Brian had Autism. The entire indecent exposure case was a “faulty investigation” and was conducted with unreliable responses.

27. The Hon. Judge Greer must understand that Defendant’s AUTISM is far worse than even a regular high functioning Autistic individual who can “hold a job” and “drive a car” or use “public transportation”. That is why Stella Forinash, Kenneth Forinash, and Roberta Hill know so much about Brian and has been with him at pretty much every Court hearing or Court appearance. The reason why is because Brian Hill cannot take care of himself because of his time consuming Obsessive Compulsive Disorder hand washing and body washing routines every time he uses the bathroom, his obsessive GermX or hand sanitizer usage to keep himself clean at all times, his Type 1 Brittle Diabetes, and his Autism. Brian was lucky not to have been dead that night, your honor. The Officer said nothing else as to what was found in his backpack with exception to the clothes, flashlights, and camera. What about a cell phone to call home? What about a map? What about extra camera batteries? What about any medical supplies? What about snacks or drinks? What about insulin or glucose tablets? To go miles away from



home without extra batteries for the camera? No insulin? No glucose tablets or snacks?  
No water bottles or drinks? No cell phone? No ability to call for help? No money to  
walk into a store to buy something? No medicines at all? WHERE IS THE INTENT  
HERE? WHERE IS IT?

28. Glen Andrew Hall, Esquire was either completely ignorant, stupid, or he knew  
that his prosecution was shoddy and faulty from the very beginning. He should have  
wondered why Brian with Autism did what he did??? Brian didn't repeat those  
behaviors. Somebody who actually enjoys those types of behaviors would have done so  
repeatedly as if addicted to it and needs it to be some form of excitement or whatever it  
is. That did not happen with Brian. Glen Andrew Hall is only a prosecutor, a lawyer, he  
is not a medical expert, and he knows nothing of Autism Spectrum Disorder.  
Defendant requests that Glen Andrew Hall prove he understands and knows about  
Autism. Glen Andrew Hall should file an affidavit in this Court as to his expertise and  
training in understanding behaviors of "Autism". If Glen Andrew Hall cannot even do  
that, this Court should grant Brian's MOTION for judgment of acquittal or new trial.

29. There is a reason why the higher Courts in the Commonwealth of Virginia  
regard nudity and nothing more as not violating Virginia Code § 18.2-387. As to why  
nudity must appeal to the prurient interest in sex as to violate Virginia Code § 18.2-387.  
If we must arrest and convict somebody for simply just "being naked" and alone  
somewhere, maybe at the wrong place at the wrong time without even a warning from

the police, we can then arrest people at gyms, bathhouses, hot springs in Japan like in onsens. With the existence of gay and lesbian people, even men might feel offended or aroused to see another naked man. So are we going to call the police at a gym shower or sauna and arrest other men because a gay man might be offended or aroused at seeing another man naked? What about Nudists? Should cops go busting Nudist Resorts and Nudist Clubs and Beaches because one clothed person might try to sneak in there and start feeling offended or sexual about it and demand the club or resort be arrested for indecent exposure? What about the Virginia Museum of Fine Arts, a Government operated or Government funded Museum?

30. Hey, Glen Andrew Hall and Judge Greer, let's look at the Commonwealth's Museum of Fine Arts (a state Museum) in Richmond, Virginia with naked statues, naked people in paintings, and naked people in artwork. Defendant's family has the time marks of the specific artworks in certain sections of the video footage. See [https://www.youtube.com/watch?v=mQpWQD\\_m7\\_A](https://www.youtube.com/watch?v=mQpWQD_m7_A). They did the research and recorded the time stamp markings for these examples. See how in 2 minutes and 59 seconds of the video, a nude statue. 3 minutes and 6 seconds into the video and more nudity. 3 minutes and 17 and 18 seconds into the video. 7 minutes straight into the video show two women naked with their breasts exposed. I bet there was more nudity artwork and statues not shown in the video. How would I know, I cannot use the internet, however I had visited that Museum years ago personally and saw the artwork there, but

my family can research online and they are determined to show the contradictions of the Commonwealth if they want to continue dragging this needless case out. The Commonwealth should arrest the Commonwealth Museum employees and arrest anybody working for the Commonwealth of Virginia who puts out nude artwork for violating § 18.2-387, arrest them all, doesn't matter if the Government permitted nude artworks and nude statues. I might be offended or aroused at those. They are illegal right??? The Commonwealth continues pushing the letter on this case and refuses to accept anything other than guilt, guilt, guilt. Got to be fair right, equal protections under the law, right? I should start pushing for criminal charges against all of the Art Museums who have nude statues. I should file charges against all of the Nudist Resorts as dens of indecent exposurers. I must start pushing people to file criminal complaints against all of them including gym showers and bathhouses, even saunas. I must push for all of them to be arrested. That sounds crazy and ridiculous. Again, See Price v. Commonwealth, 201 S.E.2d 798, 800 (Va. 1974) (finding that "[a] **portrayal of nudity is not, as a matter of law, a sufficient basis for finding that [it] is obscene**")." Romick v. Commonwealth, No. 1580-12-4, 2013 WL 6094240, at \*2 (Va. Ct. App. Nov. 19, 2013)(unpublished)(internal citations reformatted). Nudity is not obscene.

31. Then back to court appointed Attorney Matthew Clark telling Brian that if he appears before a jury, they would be Christian Bible Belt jurors who would all feel disgusted of Brian being simply "naked". As said in the recorded phone conversation

between Brian Hill and Attorney Matthew Clark. Brian has an argument against the Bible Belt jurors who will be prejudicial. The bible talks about people being naked. See King James Version 2 Samuel 6:20-22: “Then David returned to bless his household. And Michal the daughter of Saul came out to meet David, and said, How glorious was the king of Israel to day, **who uncovered himself to day in the eyes of the handmaids of his servants**, as one of the vain fellows shamelessly uncovereth himself! 21 And David said unto Michal, It was before the Lord, which chose me before thy father, and before all his house, to appoint me ruler over the people of the Lord, over Israel: therefore will I play before the Lord.” King David of the bible should have been arrested for indecent exposure. That bible verse shown that King David, probably drunk wine during the celebration of acquiring the Ark of the Covenant, danced naked in the celebration. In John 21:7 said: “7 Therefore that disciple whom Jesus loved saith unto Peter, It is the Lord. Now when Simon Peter heard that it was the Lord, he girt his fisher's coat unto him, (for he was naked,) and did cast himself into the sea.” The apostle Peter of the bible should also have been arrested for indecent exposure. Adam and Eve were both naked until they sinned and became aware of it, then was the feeling of shame. I know my bible, I read my bible. Of course there will likely be other bible verses to rebut the verses with the keyword “naked”.

32. Look, it is clear that the Defendant did not think straight, that he was not medically and psychologically cleared on September 21, 2018. His Autism was treated

as though it were invisible. The carbon monoxide gas exposure was treated like it was invisible. The “psychosis” diagnosis by Dr. Conrad Daum was treated like it was invisible. Brian who had no history prior to September 21st, due to no prior charges of indecent exposure and had no history of psychosis was given the diagnosis of psychosis in October, 2018. This was not known to the mental evaluator over sanity and competency in the General District court. This was not known to the one who evaluated Brian at the Hospital on September 21, 2018.

33. Prior to Virginia Code § 19.2-271.6., being updated to allow Autism Spectrum Disorder to be used as admissible evidence to show that a person does not have intent necessary to commit a crime, The Court of Appeals had ruled in Defendant’s appeal that: the sufficiency of the evidence, see *Smith v. Commonwealth*, 72 Va. App. 523, 523 (2020) (noting that “[w]hether the required intent exists is generally a question of fact for the trier of fact”) (emphasis added) (quoting *Brown v. Commonwealth*, 68 Va. App. 746, 787 (2018) (alteration in original)). However those cases were overwritten or must be modified or revised by the passage of new Virginia Code § 19.2-271.6 in the year of 2021. The new law overrides the old case law. Now the issue of “intent” must differ from those older case laws. Those older case laws must now be modified, revised, or treated negatively on appeal over the issues of “Autism” in regard to the intent element of a charge. During those case laws, Virginia did not have a statute which said codified into law that: “...**evidence offered by the defendant concerning the**

**defendant's mental condition at the time of the alleged offense, including expert testimony, is relevant,...shall be admitted if such evidence (i) tends to show the defendant did not have the intent required for the offense charged...For purposes of this section, to establish the underlying mental condition the defendant must show that his condition existed at the time of the offense and that the condition satisfies the diagnostic criteria for (i) a mental illness, (ii) a developmental disability or intellectual disability, or (iii) autism spectrum disorder”** (citation partially omitted in parts and reformatted).

34. The DMV placard and the form under a certified Medical Doctor said that Brian is “permanently limited or impaired. A permanent disability...” and it says Autism Spectrum Disorder is in there. Defendant is Autistic and is handicapped.

35. Defendant is INNOCENT. He clearly is innocent as a matter of law, pursuant to § 19.2-271.6.

**DEFENDANT SUBMITS THE FOLLOWING LAST MINUTE EVIDENCE:**

EVIDENCE ATTACHMENT	PAGE RANGE	DESCRIPTION
EXHIBIT 1	1-11 (33-43)	Witness “Letter of Support from Brian Hill’s Grandparents asking for an Investigation Into Brian’s sex setup in

		Martinsville, VA in 2018...”
EXHIBIT 2	12-17 (44-49)	Photocopy of Letter to Martinsville Police Chief G. E. Cassady dated March 13, 2019; and copies of return receipt (front and back) and USPS receipt and Certified Mail receipt.
EXHIBIT 3	18-30 (50-62)	Witness Letter from Stella Forinash of “photos of Brian with his black camera bag, black camera & baseball hat through the years on 1/26/2022.”

62 pages total

### **CONCLUSION**

Brian David Hill must be acquitted, found innocent, and his charge dismissed forever with prejudice. Brian David Hill = Innocence.

Officer Robert Jones did not know, understood, or even recognized Brian Hill’s “AUTISM”. Questioned Brian and had false assumptions that Brian was a liar or made statements that “didn't really add up” but again questioned Brian without understanding that Brian had “Autism” as documented by medical records from Carilion Clinic, TEACCH under the University of North Carolina, Virginia DMV, and even his public school records if necessary can prove Brian had difficulty with learning in school because

of his AUTISM, diabetes, and behavioral “meltdowns”. Meltdowns often are misidentified as temper tantrums but they are both separate things.

Glen Andrew Hall and the Judge of the General District Court did not know, understood, or even recognized Brian Hill’s “AUTISM”. In 2018, Autism at the time of his Trial was inadmissible as evidence for his defense prior to the passage of Virginia Code § 19.2-271.6, in 2021. The prosecutor or the Judge in the Trial on December 21, 2018, questioned Brian without understanding his Autism because his Autism was inadmissible, it was considered invisible and could only be used for a Motion to plead not guilty by reason of mental insanity at the time, thus the judge had false assumptions so he didn’t believe Brian’s statements and found him guilty.

It is clear that this Court should listen to all of the autism advocates of Brian David Hill including Stella Forinash, Roberta Hill, and Kenneth Forinash. It is clear that this Court needs a written affidavit and subpoena of Dennis Debbaudt. It is clear that the new law was created to stop further criminalization of Autism Spectrum Disorder. That law was created to end the imprisonment of Autism Spectrum Disorder. It had been treated as a criminal behavior for far too long, over petty crimes, ordinance issues, and misdemeanors which have consequences far beyond just the charge and conviction. The Virginia Law was created to curb the Circuit Court’s and General District Court’s miscarriages of justice by convicting Autism Spectrum Disorder. It is not a crime people are being convicted of, people are being convicted of behaviors caused by Autism



Spectrum Disorder or behaviors caused by other cumulative things which can cause or worsen an Autistic behavior. It is clear that a psychologist or psychiatrist needs to testify before the Circuit Court in regard to Autism Spectrum Disorder patients and being “naked” to see an expert testify as to how many “autistic” patients had been found naked at the wrong time but have no intent to violate Virginia Code § 18.2-387. Maybe an autistic individual is a nudist but gets naked in the wrong place at the wrong time and gets in trouble. There are better ways to deter such inappropriate behavior such as an officer giving a warning or educate an autistic person not to be nude at the public place. There are better ways than criminal convictions and imprisonment. That is why Virginia Code § 19.2-271.6, became law in 2021. To find better ways to deter such abnormal or inappropriate behavior without the need to convict as a criminal and destroy lives.

**Brian David Hill is innocent, he did not appeal to the prurient interest in sex.**

**Defendant did not masturbate. Defendant never plead guilty, Defendant never admitted to having such intent. Defendant had proven that he permanently had and has Autism Spectrum Disorder since he was 4 years old.** Defendant had no intent. Defendant is not guilty of Virginia Code § 18.2-387, and cannot be convicted of what had happened on September 21, 2018. A one-time incident which had not happened since. This is not a repeated behavior. It is crazy for the Commonwealth to fight tooth and nail like it is World War II or something. It was inappropriate what had happened on September 21,

2018, a medical emergency was what had occurred, but was not intent. Therefore without intent no law was violated that night.

Let this last minute evidence by Stella Forinash further show that police body-camera footage was intentionally covered up by Martinsville Police Department to hide the fact that Brian David Hill was scratched up and injured while making statements to Officer Robert Jones while naked. The police knew that footage would be favorable to the Defendant and destroyed the footage. The footage would disprove Robert Jones's claims of being medically and psychologically cleared. He did not ever look at the medical records and didn't believe Brian even had Autism but yet made false statements under oath that he personally and factually knew or believed that Brian David Hill was medically and psychologically cleared. That is not a fact. That is a fraud.

Respectfully submitted with the Court, This  
the 11th day of February, 2022.

  
Signed

Brian D. Hill

Brian D. Hill  
Defendant

Former news reporter of U.S.W.G.O. Alternative News  
Ally of Q

310 Forest Street, Apartment 2  
Martinsville, Virginia 24112  
(276) 790-3505



JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com



## CERTIFICATE OF SERVICE, CERTIFICATE OF FILING

I hereby certify that a true and accurate copy of the foregoing LAST MINUTE EVIDENCE was faxed or emailed/transmitted by my Assistant Roberta Hill at [rbhill67@comcast.net](mailto:rbhill67@comcast.net) (due to Probation Conditions of not being allowed to use the Internet) or delivered this 11th day of February, 2021, to the following parties:

1. Commonwealth of Virginia
2. City of Martinsville

by having representative Roberta Hill filing his pleading on his behalf with the Court, through email address [rbhill67@comcast.net](mailto:rbhill67@comcast.net), transmit/faxed a copy of this pleading to the following attorneys who represent the above parties to the case:

Glen Andrew Hall, Esq. Commonwealth Attorney's Office for the City of Martinsville 55 West Church Street P.O. Box 1311 Martinsville, Virginia 24114/24112 Attorney for the Commonwealth Phone: (276) 403-5470 Fax: (276) 403-5478 Email: <a href="mailto:ahall@ci.martinsville.va.us">ahall@ci.martinsville.va.us</a>	Hon. Ashby R. Pritchett, Clerk of the Court Circuit Court for the City of Martinsville Phone: 276-403-5106 Fax: 276-403-5232 55 West Church Street, Room 205 P.O. Box 1206 Martinsville, VA 24114 Email: <a href="mailto:apritchett@vacourts.gov">apritchett@vacourts.gov</a>
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The reason why Brian David Hill must use such a representative to serve such pleading with the Clerk on his behalf is because Brian is currently still under the

conditions of Supervised Release for the U.S. District Court barring internet usage without permission. Brian's Probation Officer is aware of Roberta Hill using her email for conducting court business concerning Brian Hill or court business with the Probation Office in regards to Brian David Hill. Therefore Roberta Hill is filing the pleading on Brian's behalf for official court business. Brian has authorized her to file the pleading. All exhibits or any exhibits with anything printed from any internet based service was printed and researched by Roberta Hill.

That should satisfy the Certificate of Service regarding letters/pleadings during the ongoing Covid-19 pandemic. If the Court wishes to contact the filer over any issues or concerns, please feel free to contact the filer Brian David Hill directly by telephone or by mailing. They can also contact c / o Roberta Hill at [rbhill67@comcast.net](mailto:rbhill67@comcast.net) and request that she forward the message and any documents or attachments to Brian David Hill to view offline for his review.

  
Signed

Brian D. Hill

Brian D. Hill

Defendant

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

(276) 790-3505

JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com

**U.S.W.G.O.**



# **EXHIBIT 1**

## **for**

LAST MINUTE EVIDENCE IN SUPPORT OF DEFENDANT'S  
“MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL  
BASED UPON NEW EVIDENCE WHICH COULD NOT BE  
ADMISSIBLE AT THE TIME OF CONVICTION; NEW  
EVIDENCE OF SPOILIATION OF EVIDENCE COMMITTED BY  
COMMONWEALTH OF VIRGINIA; REQUEST FOR  
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,  
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING  
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA  
FOOTAGE AND IT IS LIKELY DESTROYED AND  
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON  
DAY OF CHARGE, ALSO LIKELY DESTROYED”

Commonwealth of Virginia, City of Martinsville v. Brian David Hill  
CASE NO: CR19000009-00

Friday, February 11, 2022



[JUSTICEFORUSWGO.WORDPRESS.COM](http://JUSTICEFORUSWGO.WORDPRESS.COM)

**Letter of Support from Brian Hill's Grandparents asking for an Investigation Into Brian's sex setup in Martinsville, VA in 2018, investigating his sex setup in Mayodan, NC in 2012 as well as his set up in 2015 due to his Autism (small autistic meltdown not hurting anyone) while he was fighting to appeal his 2012 - 2014 case causing a Probation Violation Problem. Brian's Family is asking for an acquittal in both states & for him to be released from the sex registry as he is innocent and has been a victim for 10 years due to his AUTISM & to his USWGO website. The Proof of his innocence is in the Court Records in the Federal Middle District of NC. Both courts have the power to order this investigation after reading all of our proof that has been sent to both courts in January, 2022. We are Brian's volunteer autism advocates. I am submitting more proof in this letter & 2 documents included: one with photos of Brian (worth a thousand words – 12 pages) and another one (3 pages) where we asked the Martinsville police chief for the body cam at the time of Brian's arrest to be given to his lawyer after Brian had written 2 letters to him to give the body cam to his lawyer then contacted us about it. We are all citizens of Martinsville, and this police chief ignored all of us. Brian = Innocent.**

This letter is about what Brian wrote to his grandmother on 1-5-2019: Read this letter Brian wrote. After I write this, I will make sure that Brian approves. If he does, he has my permission to send anything he wants to the VA state & Federal NC court or anywhere. They (the NC federal court) have put this case together with his 2012 child porn set up which I think is great because this 2018 case was a set up as while. Maybe now someone will investigate 2 police departments and 2 police chiefs (one in Mayodan, NC in 2012 and the other one in Martinsville, VA) and extend to the courts.

For a long time, we knew that nothing could be done, and it's hard to go back, but due to this new law (We really thank God & His heavenly & earthly team for this new law about autism). To start with, we knew that Brian's autism had gotten worse and knew that someone with autism could leave the house alone at night. We thought he had his camera when he met this guy that night and just knew Brian would be upset about the police taking his camera, but he wasn't upset about that, then a year later when we were at the NC court, we saw a pink camera not a black camera, but months before that we went to this Western Virginia Regional jail in Salem, VA to pick up Brian's backpack. We re-read the federal transcript where the policeman told him that Brian said the guy in the hoody gave him the camera. We don't believe Brian took those photos. Due to his autism, if the people who probably drugged him told him he took the photos, he is probably repeating what they told him, all of this is part of his autism. His mom had never seen that backpack, but his clothes, shoes and 2 flash lights were in it. We were shocked to see no emergency supplies for his brittle insulin dependent diabetes as well as no hand sanitizer for his OCD. We didn't even think about where this backpack came from; Instead we were worried about why Brian didn't have his emergency supplies and realized away from his mom, he could have died; all of that walking could have caused a severe seizure and death. Apparently he had forgotten to take his insulin shot. We don't know, but he was apparently out of it

that night. We were thankful the police found him. We couldn't understand why someone with autism was arrested as this was a medical emergency situation; then came the federal arrest warrant.

We half believed the story about the guy in the hoody and half believed that he was hallucinating. After finding out about the carbon monoxide, it looked like it wasn't real, and he was hallucinating. We just found out that courts now have to take autism into account, and so we started reading the transcript from the federal court, and it all is making more sense that Brian really did see that guy in the hoody that night. He still talks about it and that he felt like he was drugged. He still has and had that night brittle insulin dependent diabetes, seizure history, autism first diagnosed in 1992 or 1993 as PDD, then autism in 1994, OCD, etc. Then 4 months after this happened, we found out he and his mom had been exposed to carbon monoxide for 11 months. We were all emotionally upset and confused.

Now after reading the transcript again, we realize just like the federal case of child porn, he was set up, and the people who did that in NC in 2012 admitted to him and his friends of doing it and have threatened Brian of doing other things to make sure he stays on the sex registry, threatening harming or killing him, threatening to set up attorneys who represented him, his friends and his family. We shared that information with you earlier and where to find these on the Federal court records in 2015. They no longer can send these to Brian's email or phone text, but his mom was getting weird greeting cards from Dec. 2017 until May, 2018 & a threatening letter in May, 2018 through the mail. Brian has made sure copies of these threats are in the federal court record and are dated, and we have shared this with locations to the court and other interested parties. We follow our Bible which says "Fear Him who is able to destroy both the soul and body. Fear not them which kill the body but are not able to kill the soul".

**We know this needs to be investigated, and Brian needs to be acquitted and removed from the sex registry as he was a victim and did nothing wrong.** We just wrote another document with photos of him with his camera bag that he takes with him when he & his mom go on hikes and when he goes with us on various trips and outings. In all (and thousands more we have) he is carrying a black or grey camera bag, a black camera and either has no cap or is wearing a baseball cap – no stocking cap. I own a pink camera (in a different home) and his mom used to own a pink camera, so his having a pink camera while out at night at a time that we were aware his autism had gotten worse, and we found out later that he was exposed to carbon monoxide didn't make us suspicious of a set up. Now thinking about everything and never seeing Brian holding a pink camera realizing that was not his back pack; he does not wear stocking caps, he did not have his camera bag that night. What really got to us was the set up with the pink camera – his name inside as the author. I just downloaded one of these forms "**U.S. PROBATION OFFICE MONTHLY SUPERVISION REPORT FOR THE MONTH OF**" which means anyone can download this and set you up, but it would be someone who knew that Brian was on probation and wrote all of those threatening emails & text. You can download one too at this website:

[https://www.vaep.uscourts.gov/sites/vaep/files/Monthly\\_Supervision\\_Report.pdf](https://www.vaep.uscourts.gov/sites/vaep/files/Monthly_Supervision_Report.pdf)

We submit the photos of Brian to the court because this is our proof that Brian's camera was black – not pink – Brian always carried a large camera bag with him when hiking or visiting various places. He wore a regular baseball cap, not a stocking cap. These photos of him were taken 10 days before his arrest (some were taken before 2018 and others after September, 2018). We can see where Brian in confusion could pick up a different camera than he uses, but we can't see him having nude photos, probation monthly report in it with his signature out walking by himself for miles in the middle of the night, no emergency supplies, and the police gets a phone call, arresting him right away and no



investigation, etc. That part is a setup as well as that not being his backpack, and Brian wore baseball caps not stocking caps. Top this off with a phone call to the police, no investigation & no body cam for the court. They arrest Brian right away and lie on the police report saying he was medically and mentally clear. With that, I want to share this letter with you. I had forgotten Brian told us more than once they knew his mom's name. I thought if he met a guy in a hoody, there is no way they would know who he was. I was wrong because the camera that he never uses shows his name so there's no way he accidentally picked up another camera that night. I will share that letter he sent to me with his approval, then take you to the NC Federal court records so you can see for yourself what he had to say.

1/5/2019

**BRIAN HILL (0021123)** [View All](#)  
 Western Virginia Regional Jail  
 Saturday, January 5, 2019 10:11 PM

I discovered that the new Petition for Warrant or Summons for Offender Under Supervision (PROB Form 12C) was filed under sealed, some Memo to the Clerk as well on 11/13/2018. That was in response to my Motion under Document #154, and Document #155 came on on 10/29/2018.

Response to my Motion to continue Supervised Release was due by 11/16/2018. The petition for my arrest that was sealed was filed on 11/13/2018 likely in response to my motion referring to what the guy in the hoodie did to me.

Grandma this may be Obstruction of Justice, and other crimes.

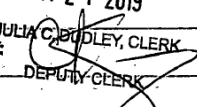
They were made aware of the guy in the hoodie threatening to have me get naked, I said it under Oath, their response was the Warrant for my arrest Documents 156, 157, and 158.

Grandma this is retaliation by the U.S. Probation Office in Greensboro and Assistant U.S. Attorney THUG Anand Prakash Ramaswamy. We need to tell the FBI about this. This is evidence of retaliation and selfish misconduct to cover up what really happened.

**\*\*\*** On this letter he sent to me on 1/5/2019 & to the court, he said that the guy told him that his mother, Roberta Hill would be killed if Brian didn't do that. Brian kept telling us "But the man in the hoody knew mom's name". He was near the Piedmont Community Services. Was Brian aware that he needed help or was he drugged and carried to that location? Was Brian in any shape to actually take photos of himself that night or did someone else take these photos? Who was this guy in a hoody who knew Brian's mom's name and handed him a pink camera with his name in it and a copy of this probation form that anyone can obtain from the Internet? Is it possible that the guy & others went in Brian's house and carried him down town? Brian said he kept his door unlocked because he was afraid and didn't feel safe in his home. Was this because he had been exposed to carbon monoxide for months? None of us knew about the carbon monoxide until 4 months after his arrest. Was there one person or more involved? **\*\*\* Look for red when I put Brian's descriptions after you read his letter. They will kill your mother Roberta Hill. Sounded like a white guy. I am a victim of a crime".**



In The United States District Court  
For The Western District of Virginia

United States of America, Plaintiff,	Criminal Action No.
V.	7:18-MJ-00149
Brian David Hill, Defendant,	CLERKS OFFICE U.S. DIST. COURT- AT ROANOKE, VA FILED JAN 24 2019 JULIA C. BUDLEY, CLERK BY:  DEPUTY CLERK

### Declaration

I am Brian David Hill and I am currently at the Federal Correctional Institution <sup>1</sup> in FCC Butner, North Carolina. I am aware that I am currently being evaluated for competency to assist my Counsel in my defense to the Supervised Release Violation charge referenced in charging Documents in Document #1.

<sup>1</sup>  
Case 7:18-mj-00149-RSB Document 12 Filed 01/24/19 Page 1 of 5 Pageid#: 43

On late night September 20, 2018, between 11:00PM to midnight, I was walking around the warehouse that is right at the entrance of downtown Martinsville, near the building of Piedmont Community Services located at 24 Clay Street in Martinsville, Virginia. When The Dick and Willie hiking trail and a road beside that trail is beside that big warehouse. A man wearing a dark colored hoodie waved his hand to get me to go over to the trees that is beside the hiking trail, I think

They were pine trees. He told me as soon as I got close to him that "You will get naked in public, walk on the Dick and Willie trail, find a spot to take pictures of yourself then place the camera or SD card at the bench after Southern Finishing Factory, if you do not do this they will Kill your mother Roberta Hill. Do you understand?". I responded with "yes, I will do it, please don't Kill my mother." He said "go and do it or else". He was between 5<sup>ft</sup> and 6<sup>ft</sup>, slim, wore a hard mask, sounded like a white guy, maybe 160lbs.

I had filed Status Reports, Declarations, and other pleadings after what had happened and told the U.S. District Court in Greensboro, North Carolina about what happened. In case no. 1:13-CR-435-1, Middle District of North Carolina, the Court should review Documents #152, #153, #154, #155, #161, #162, #163, #164 and #165. I had also written letters to my supervising United States Probation Officer ("USPO") Jason McMurray about what happened and how I emotionally had felt about it while I was incarcerated in Martinsville Jail.

Case 7:18-mj-00149-RSB Document 12 Filed 01/24/19 Page 2 of 5 PageID# 44

I had also written to the Virginia Attorney General about what had happened in multiple letters, the last one dated January 17, 2019 with Certified mail tracking no. 7018-1130-0000-8936-6214. I have been honest with them, the Court, and my Probation Officer about what had happened on September 20-21, 2018. I have been respectful with USPO McMurray and I have been compliant with him. I am a victim of a crime on Sept. 20-21, 2018. The Supervised Release Violation came from my technical charge of indecent exposure in the Martinsville, Virginia Court system on September 21, 2018, at 55 West Church Street, and with the case no. C18-3138. I am confident that I can be found innocent by bench trial (trial de novo) in the Martinsville Circuit

## **“I am a victim of a crime on Sept. 20-21, 2018”.**

REVIEWING what Brian wrote to the court on 10-17-2018 (DOCUMENT #153 sent to Middle District of NC case #1:13-cr-00435-TDS). He felt like someone was watching him while he was mowing the yard on 9/18/2018 between the hours of 1-4 PM. He was talking on a talk show on 9/19/2018 about his federal case and the Americans with disabilities act. On 9/20/2018 some of his memories had been blocked out. He was under stress & anxiety. He was keeping his apartment doors unlocked, was psychologically afraid to sleep on his bed, sometimes sleeping on the couch and had a bad feeling that something bad was going to happen to him. Page 3 of 11: He had gone to a resort in Western Virginia in his own district a few days before and did not want to come back to his house. We present to the court photos of him on 9-12-2018 taken 9 days before the arrest date of 9-21-2018. He explained “As if something was terrifying in my psychological mind, and I haven’t kept my door or doors locked”. While at his house, he kept his doors unlocked according to document 153. He left his house at abt 11 to go walking beside the road on the sidewalk. He walked to the Dick & Willie Trail (miles from his home) and about 11 to 12 midnight he met a guy in a hoodie near a warehouse who told Brian to remove his clothes and take photos of himself and leave the SD card on the nearby bench. He said the guy was probably white, 5 to 6 ft tall. This guy told Brian if he didn’t do this, he would kill Brian’s mother and named his mother. Brian thought he might have been drugged.

(NOTE from Brian’s family: Brian always took his camera when he left the house to go walking, took many nature photos and liked to take photos of old factories. He had never taken any photos of himself and did not want anyone in his photos. This is the first time he had ever left the house by himself and first time he has walked around at night for miles away from his home. NOTE: Later we found out that was not his camera, not his stocking cap and not his back pack. His clothes were in the backpack. Brian has autism. Brian is a brittle diabetic who takes several insulin shots per day, and he has seizures when his glucose goes too low. Walking a lot causes his glucose to go very low. He needs someone with him at all times when he is walking. Brian’s family found out that he was exposed to carbon monoxide for about a year in his apartment 4 months after his arrest on September 21, 2018. His description leading up to the guy in the hoodie is the description of someone exposed to carbon monoxide. Then again he could have been set up & drugged. He did not have his camera bag that night. He always takes his camera bag with him and his black camera as well as his emergency supplies. According to the hospital records, his pulse stayed over 100. The hospital records did not show his glucose which meant they did not check to see what this insulin dependent diabetes’ glucose was. We had a cousin on insulin who went to visit a neighbor with her husband. When they came home she took her coat off and was in her living room in the nude with her sons right there. She was explaining to us about the glucose lows after we found out about Brian in 1992.

On this website: <https://www.centralhtg.com/blog/carbon-monoxide>

**SYMPTOMS & SIGNS of CARBON MONOXIDE poisoning:** Aggravation of preexisting diseases: During the year that Brian was exposed to Carbon monoxide in his apartment, he had a bad fall one night requiring stitches, and he had 2 seizures another night. His OCD routines (showers & hand washing) were now lasting twice the amount of time than they were before the exposure to carbon monoxide (instead of 2-4 hours per day, it was now requiring 6-8 hours). He & his mom were

complaining to grandparents that they were both extremely tired and having a lot of headaches. Brian kept complaining that he was forgetting things and couldn't think straight. The night he left the house on Sept. 20, 2018 is an autism symptom that he had never displayed before as an adult: Wandering away from home. See the 2 page paper next about children and adults wandering from home:

<http://www.in.gov/legislative/interim/committee/2012/committee/minutes/AUTIF88.pdf>

This document "Indiana Comprehensive State Plan for Individuals with Autism" by the Indiana state government of representatives and medical staff and was written in August, 2012 will explain more. On page 6-7 of the PDF link above (1-2 on the pages we printed) entitled: *Plan Your Response for an Autism Emergency by Dennis Debbaudt* 2012 Autism symptoms are similar to Alzheimer's disease and dementia. Make sure the court sees Brian's Virginia permanent disabled parking placard with his name and address number P01307266 that was issued on 8/3/2016 and is clearly marked "Has been diagnosed with a mental or developmental amentia or delay that impairs judgment including, but not limited to an autism spectrum disorder";

<https://www.courtlistener.com/docket/4304407/152/united-states-v-hill/>

United States v. HILL Status Report — Document #152 District Court, M.D. North Carolina Docket Number: 1:13-cr-00435 Date Filed: October 3rd, 2018

**"Does Martinsville Police understand that lying to a Federal Officer is a federal crime?" – referring to what Sgt. Jones said to Brian's probation officer. I guess there are dirty cops in Martinsville too". I again promise my mother that that incident will never happen again."I was threatened" "I don't trust MPD police liars. I want FBI involved, please". Please read these. Thank you.**

Motion to Appoint Attorney — Document #153 District Court, M.D. North Carolina Docket Number: 1:13-cr-00435 Date Filed: October 17th, 2018

<https://www.courtlistener.com/docket/4304407/153/united-states-v-hill/>

This one is on Page 3-4 in this letter document. **He thought someone was in his back yard watching him as he was mowing: 9-18-2018. "I called into a political talk show after I was invited on Blog Talk Radio on 9-19-2018". "Talked about the Americans with Disabilities Act. One woman said if I had an IEP when I was in school, then they can or might get in trouble the way it was handled regarding my criminal case". Brian was under that IEP the entire time he was in school due to diabetes, seizures & autism, and had a one on one assistant the entire time he was in school and was sent to Amos Cottage (a part of the Winston Salem, NC hospital) for an entire month when he started Kindergarten in 1995. "On Sept. 20, 2018 some of my memories have been blocked out. My mom had also noticed that my doors were not beng kept locked. I was psychologically afraid to sleep in my bed. Sometimes sleeping on the couch and I had a bad feeling that something bad would happen to me. Went to resort in my district, and my family noticed that I didn't want to go back home. And I haven't kept my door or doors locked.** This is why I wonder did he actually walk by himself downtown OR did someone come to his apartment, drug him & removed him from his apartment? I asked his mom if his doors were unlocked. She said a few times she would check them & they were unlocked. It all has been sounding to me like autism that we all know had gotten worse,



especially after finding out about the carbon monoxide. Sometimes Brian communicates very well, and other times you have to listen, be patient to figure out what he is saying, but I wonder if he even really knows what happened. Was he really drugged? He did say that he only remembers certain parts about that night, and I'm now thinking there was more than one person involved and the same people who had been involved since 2012. Am I wasting my time here? Will all of our proof be ignored here just like it has been since 2012? This is a long article to read so I won't type anything more from this page. He's now talking about being downtown & the guy in the hoody and the walking trail he was on all night. He did say **"At one point I felt like I might collapse so I may have been drugged. I had a feeling it had something to do with my case, the threats from tormail.org, messages that were successfully carried out. When he realized they were police, he said "I have autism" over & over. He told the police that he was attacked. "I told Jones that I need to talk to a detective". Brian explained later about the threats he & his mom had received. "I was set up with the sex crime of indecent exposure just like the 2013 tormail said would happen". "I'm sorry, Mom, I was scared and didn't know what to do". "I am tired of feeling afraid for my family and my life. It's tearing me apart". "Let me prove my innocence. I have facts of innocence. Let me prove it. People with autism can be manipulated easily, threatened, abused"**.

Motion for Miscellaneous Relief — Document #154 District Court, M.D. North Carolina

Docket Number: [1:13-cr-00435](#) Date Filed: October 24th, 2018

<https://www.courtlistener.com/docket/4304407/154/united-states-v-hill/>

You can read the other things that Brian submitted to the court about that night. I have put links here from court listener to make them easier to find, or you can find them on Pacer too. The federal court in the Middle District of NC has connected 2018 to 2015 and the set up in 2012. All of this needs to be investigated including all of the threats which Brian, his family, friends & and some court appointed attorneys from NC have received documented in federal court records (from 2012-2018) as well as his family's & autistic advocates' proof from their personal investigation in January, 2022. These threats have been sent to NC, VA and others states using email, phone text and the US Post Office, and it looks like in person attacks in Martinsville, VA in 2018. Remember these setups are being aimed at a young adult who loves God, his family and his country and has autism and many other disabilities.

Document 155:

<https://www.courtlistener.com/docket/4304407/155/united-states-v-hill/>

Document 161

<https://www.courtlistener.com/docket/4304407/161/united-states-v-hill/>

Document 162

<https://www.courtlistener.com/docket/4304407/162/united-states-v-hill/>

Document 163

<https://www.courtlistener.com/docket/4304407/163/united-states-v-hill/>

Document 164

<https://www.courtlistener.com/docket/4304407/164/united-states-v-hill/>

Document 165

<https://www.courtlistener.com/docket/4304407/165/united-states-v-hill/>

I am now going to put my name, email address, phone number and mailing address. I want to let those real criminals, guilty people who have been putting Brian and his family under mental torture since 2011 and deceiving all courts, there is a God in Heaven who is watching you and seeing all, and the day of His judgment is coming. You need to come clean, ask for forgiveness and turn yourself in to the police and courts. If you try anymore attempts to hurt Brian or his family in any way, people in authority will be contacted because now the courts do recognize autism as a defense, and it is covered under the Americans with Disabilities Act for years. Brian and his family will fight you all of the way. We don't fear you and will come back to fight in the US legal ways with the help of Almighty God.

We all live in the city of Martinsville, VA. If we can't go to the police or to the police chief for help, where do we go to in case of emergencies? Brian wrote to him more than once. We sent this 2 page letter to him in March, 2019. He ignored it and us and Brian and never contacted any of us. The next 3 pages will be a copy of the letter we sent to the Martinsville police chief in PDF form in 2019. Brian will include the US mail receipt we gave him. This is a copy I obtained from our PDF:



To the courts: During this investigation, we are willing to help with the investigation and answer any questions, but please help our disabled grandson who is innocent and really does try to obey all laws. We have put some of his photos in this court (with his approval) as well as some of his USWGO video links just to show you who Brian really is and not how the court since 2013 have portrayed him to be. He needs to be removed from probation as well as the sex registry which is supposed to be to warn all of us to be alert about those who are guilty

and not for an innocent person with autism who has never committed any sexual act to hurt anyone, remains a virgin at the age of 31, doesn't drive and has to have a medical assistant with him at all times due to his many disabilities even someone to check his blood glucose in the middle of the night.

Thank you so much for reading everything we have sent to this court in January, 2022 after we have learned more in the new Virginia law about people with autism in the court system. Please help our grandson get his life returned so he won't have to continue fighting and sending things to the courts. He has lost 10 years of his youth because of this. He has no intentions of suing anyone because he just wants his freedoms returned to him as they should never have removed them in the first place. Thank you in advance. If you want me to resubmit this with a notarized signature, just let us know.

Stella Forinash

Email: [kenstella@comcast.net](mailto:kenstella@comcast.net)

Phone: 276-632-2599

Mailing address: 201 Greyson St., Martinsville, VA 24112

# **EXHIBIT 2**

## **for**

LAST MINUTE EVIDENCE IN SUPPORT OF DEFENDANT'S  
“MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL  
BASED UPON NEW EVIDENCE WHICH COULD NOT BE  
ADMISSIBLE AT THE TIME OF CONVICTION; NEW  
EVIDENCE OF SPOILIATION OF EVIDENCE COMMITTED BY  
COMMONWEALTH OF VIRGINIA; REQUEST FOR  
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,  
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING  
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA  
FOOTAGE AND IT IS LIKELY DESTROYED AND  
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON  
DAY OF CHARGE, ALSO LIKELY DESTROYED”

Commonwealth of Virginia, City of Martinsville v. Brian David Hill  
CASE NO: CR19000009-00

Friday, February 11, 2022



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March 13, 2019

Martinsville, VA Police Department

Mr. G. Edward Cassady (Martinsville, VA police chief),

We are citizens of Martinsville, VA and before September, 2018 had nothing but good things to say about our police department. We felt that we were living in a good city (town) that we could trust our police department. Our grandson, Brian David Hill had a terrible encounter with a police department in North Carolina and was set up with child porn on his computer in 2012. He moved to Martinsville, VA in 2012 and refused to ever go back to his home where he had lived for over 7 years. He is on the sex registry due to this federal charge and is under probation. We have the proof beyond a shadow of a doubt that he is innocent and never viewed or knowingly downloaded child porn. We couldn't afford the \$300,000 it would take to defend him in court, so he was appointed an attorney who ignored all of our proof at the time and talked Brian's family into telling him to take the guilty plea so he could get out of jail and come home under probation. Not knowing what else to do, we talked Brian (who was innocent and fighting this all the way to prove his innocence) to say "guilty". By 2017 we had all of the proof of his innocence, still could not afford an attorney and no one came forth pro bono, so our entire family submitted Brian's 2255 to the federal court in NC in November, 2017. Anyone who would take the time to read this and look at all of the proof would know that he is innocent.

We are still waiting for an answer from the court 16 months later, and Brian was still on probation at the time of his encounter with the Martinsville, VA police department. Brian has brittle type 1 diabetes requiring insulin shots and blood tests several times a day and at night which causes his blood glucose to go way up and way down each day and has had this since he was one year of age in 1992. He has had seizures since he was 2 years of age, has had PDD and autism diagnosed since he was 2 years and 4 years which required legal documents each year in school. He has had severe OCD and anxiety since the age of 12. A few months ago he had 2 seizures in one night so his mom started getting only 6 hours of sleep a night to check his blood glucose sooner and hopefully avoid anymore seizures.

This encounter that happened to Brian in September was not like Brian at all. Being in the nude in public and taking photos of himself is something he has never done. He has never left the house by himself day or night to go out walking by himself. What was really strange is that this was at night, and he was alone and miles from his home and was confused. Brian has never driven a vehicle because his blood glucose goes down fast causing insulin reactions or seizures. He is very intelligent. He can go for weeks not even acting like he has autism, and then there are other days that he is not in the world and is totally autistic. We never know what each day will present. He has been on the Virginia medical waiver which requires 40 hours of paid assistance each week since 2012 and on SSI disability since February, 1992 when he was 21 months old. Really he requires 24 hours of assistance, and what happened in September is proof of that. REACH (autism in VA) and the Piedmont Community Services will be involved in his case when he is released from jail, and they are working on an emergency DD waiver (for his developmental disability – autism spectrum disorder) for him because he needs a lot more care than his family can give. We have never known Brian to hallucinate, but when he described

what happened, it sounded at first like it was an hallucination, but he still to this day says that guy in the hoodie who sounded like a white guy was there, threatening his mom and told him if he didn't get in the nude, he would kill his mom, so Brian did all of this to save his mom's life. He was alone without his family to help so didn't know what to do and without thinking at all just did everything that guy told him to do. This presents more questions: Did the police make any attempt at all to see if there was a guy in the hoodie around the Martinsville trails? They did the right thing to take Brian to the hospital. Did the hospital check to see if there was anything like carbon monoxide in his system or anything that would cause him to act in such a bizarre way? The Martinsville Hospital should have on record that he has autism, brittle diabetes, seizures, anxiety and OCD as he was a patient in the hospital in December 2013. They should also have on record where he had a bad fall a few months before this, and they put staple type of stitches in his forehead. He should have been admitted to the hospital and given a better examination. If this had been an elderly person with dementia or alzheimers, would this person have been arrested? How much training does the Martinsville, VA police department have dealing with someone younger with autism? Due to this arrest, it was considered a probation violation, and Brian is at Butner in NC right now for almost 2 months having a federal court order examination.

Please show some respect for this young, disabled citizen of Martinsville, VA and reply to the 2 (and now 3) letters that he has sent to you asking to give a copy of the body cam footage to his court appointed attorney as he is fighting these charges in court. He told the police that he has autism and told you the same thing twice in letters. We have made a copy of his disabled DMV card with the autism information of a permanent disability which can cause confusion and the episode that happened to him in September, 2018. We have retyped his letter to you so we can have a typed copy, and we're sending his hand written request in this letter. He will be leaving Butner about March 25, so please respond as soon as possible. He has been waiting almost 2 months for your response and has sent that to you twice and was very respectful.

Sincerely,

Brian David Hill's grandparents

Enclosed 10 pages plus this letter – please respond to Brian David Hill at the address he provides before March 25, 2019. We have copies of all 12 pages in this envelope and are making sure that someone in this police department signs for it and have tracking information as well, and it is addressed to you. Thank you.

## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

GE CASSADY, CHIEF OF POLICE  
55 WEST CHURCH ST  
MARTINSVILLE, VA 24112



9590 9402 3915 8060 4856 85

## 2. Article Number (Transfer from service label)

7018 1830 0001 9309 1586

PS Form 3811, July 2015 PSN 7530-02-000-9053

## COMPLETE THIS SECTION ON DELIVERY

## A. Signature

X

☐ Agent☐ Addressee

## B. Received by (Printed Name)

## C. Date of Delivery

3/18/19

- D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

## 3. Service Type

- ☐ Adult Signature  
☐ Adult Signature Restricted Delivery  
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MARTINSVILLE, VA 24112

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\$	\$2.80
Extra Services & Fees (check box, add fee)	\$0.00
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$1.30
\$	
Total Postage and Fees	\$7.60
\$	



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PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

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(Weight:0 Lb 2.60 Oz)

(Estimated Delivery Date)

(Saturday 03/16/2019)

Certified	1	\$3.50
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(70181830000193091586)

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Total		\$7.60
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Cash		\$7.60
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YOUR OPINION COUNTS

# EXHIBIT 3

## for

LAST MINUTE EVIDENCE IN SUPPORT OF DEFENDANT'S  
“MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL  
BASED UPON NEW EVIDENCE WHICH COULD NOT BE  
ADMISSIBLE AT THE TIME OF CONVICTION; NEW  
EVIDENCE OF SPOILIATION OF EVIDENCE COMMITTED BY  
COMMONWEALTH OF VIRGINIA; REQUEST FOR  
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,  
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING  
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA  
FOOTAGE AND IT IS LIKELY DESTROYED AND  
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON  
DAY OF CHARGE, ALSO LIKELY DESTROYED”

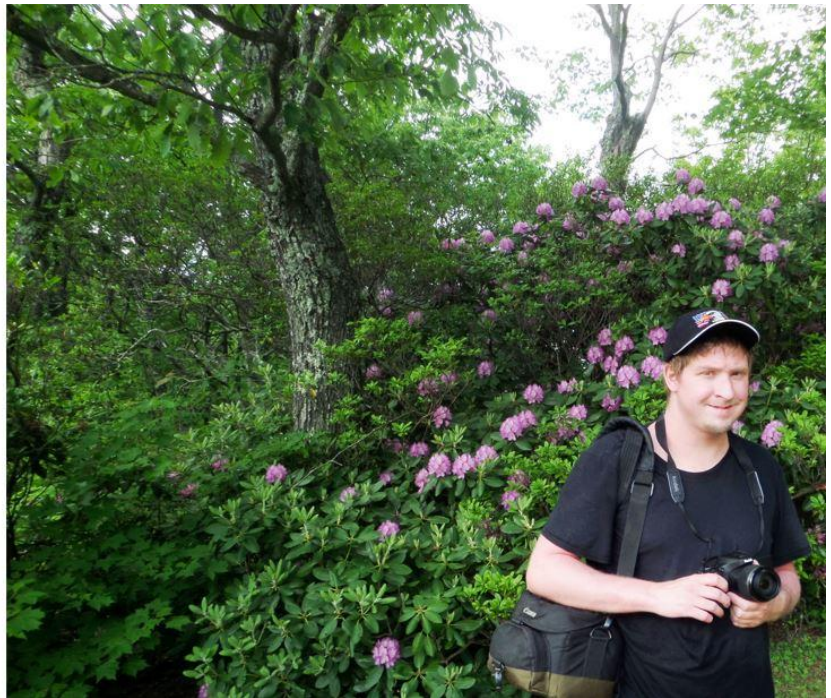
Commonwealth of Virginia, City of Martinsville v. Brian David Hill  
CASE NO: CR19000009-00

Friday, February 11, 2022

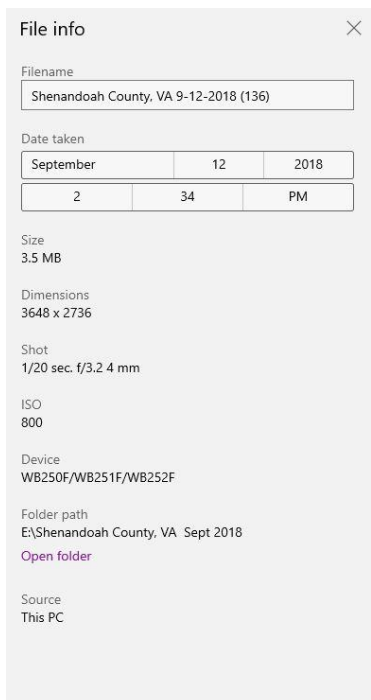


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**We wanted to show you various photos of Brian with his black camera bag, black camera & baseball hat through the years on 1/26/2022.**



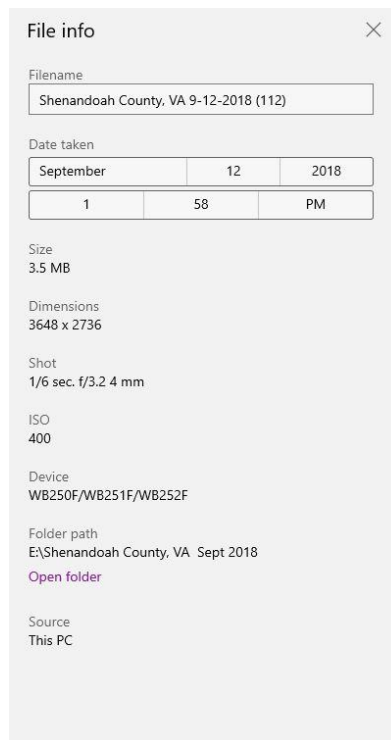
**5-24-2018 Brian with his black camera bag – black camera – baseball cap.**



**Brian – Note black camera bag 9-12-2018 & baseball cap.**

**This photo was taken 9 days before the police arrested him.**





Brian with his mom 9-12-2018 Note black/grey camera bag & black camera & baseball cap



Brian on 9-12-2018 Note the black/grey camera bag & black camera & baseball cap





Brian & his mom in New Market, VA 9/12/2018 Note black camera & baseball cap

Brian arrested on 9/21/2018 – pink camera – no camera bag – not his black camera - wearing stocking cap – no baseball cap – back pack his mom did not recognize – wearing no clothes – has no emergency supplies for brittle diabetic, who has severe seizures when glucose goes low and needs insulin at all times for shots when it's too high – no glucose monitor - no hand sanitizer for his OCD – out by himself all night only time without his mom/caregiver – is threatened - thinks he's been drugged – no blood test at hospital not even for an insulin dependent diabetic – no investigation by police – no body cam for court. Was this a set up & by whom? Perhaps the person or people who have threatened him for years & admitted setting him up in 2012? Court records show child porn was downloading for months while in the hands of NC police & SBI after the local Mayodan, NC police removed it from the Hill's home. No investigations have been done for either case. Criminals going free while the victim is punished. Courts ignoring all of his disabilities including autism. (His disabilities are all invisible, but all are well documented). Two police departments and all courts ignoring Americans with Disabilities Act. Correction: Federal court in Roanoke, VA did show respect & concern. There will be 2 more proofs in addition to this one. One – copy of a letter Brian's grandparents sent to Martinsville police chief in 2019 asking for the body cam to be given to his attorney which he ignored and didn't answer us & document proof from what Brian sent to court begging for an investigation & explaining about that night right after the police arrested him without doing an investigation and ignoring the **"Americans with Disabilities"** laws.

### **BRIAN CAME HOME ON MAY 14, 2019**

**Carbon monoxide is no longer in their house, Brian's ceiling & wall around his fireplace has been repaired.**

**Brian quickly went to work fighting to prove he is innocent in both cases.**

**We have thousands of photos of Brian from birth until 2022. I did notice that he has had a black or grey camera bag every time he is on an outing from at least 2004 (14 yrs old) and carried a white or grey camera. In 2008 (at the age of 18) he was carrying a black camera and a black or grey large camera bag. We took Brian to Kentucky in Dec, 2019 knowing he was innocent, knowing about all of his disabilities so he could walk by himself to turn himself into prison, We then headed for home, all 3 of us feeling depressed. We were half way home when we got a call to come and get Brian as he was being released. They said he had already served his time. Roberta called his probation officer who**

thought they had made a mistake. We waited at this gas station until he called us back and told us to go and get Brian. We picked Brian up, and he quickly tested his glucose and gave himself an insulin shot, we ate then we spent the night in a motel, all of us so happy, then since we were close to the Ark, we went there to celebrate. His black camera bag and black camera were in the car.

Date taken

December	8	2019
7	10	PM

Size  
99.4 KB

Dimensions  
886 x 653

Shot  
--

ISO  
--

Device  
--

Folder path  
F:\All Photos\2019  
[Open folder](#)

Source  
This PC



File info

Filename  
Charlottesville 12-20-19 (S) (3)

Date taken

December	20	2019
12	25	PM

Size  
1.6 MB

Dimensions  
2576 x 1932

Shot  
1/10 sec. f/1.9 2.47 mm

ISO  
1000

Device  
SM-S327VL

Folder path  
E:\Computer Back Ups 2020\HP Win 10 HP Laptop 17 - 5CG9176FGL(K)\Pictures\Pics from Stella's Camera  
[Open folder](#)

Source  
This PC



Christmas in 2019 was special for all of us because Brian was with us. Black camera, camera bag & baseball hat.

AND we met a nice lady who took our picture.

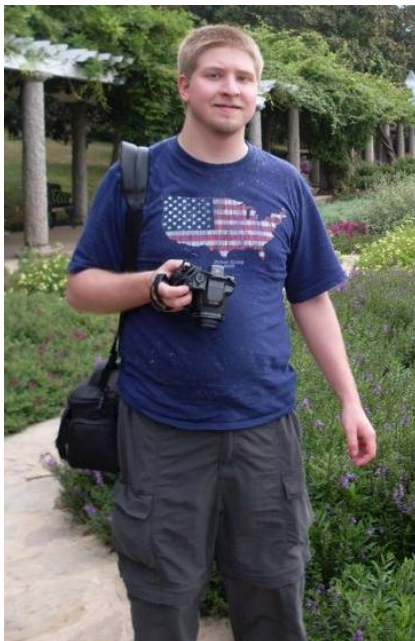
Dec. 20, 2019 Brian with his black camera bag, black camera & baseball hat wearing clothes and happy, As we said before, you will never see him in any of our thousands of pictures carrying a pink camera (All black like Johnny Cash), nor wearing a stocking cap. He wears a baseball cap or no cap. That was not his backpack and in all photos, he is



wearing clothes. Either his mom, grandparents or someone else is taking photos of him. We have never seen any “selfie” still photos by him.



I did want to share four more photos and some of his (USWGO's) video links before the child porn set up in 2012 when he was 22 years old just so you know more about who Brian really is, not how certain people are portraying him to be.



2009 Black camera, black camera bag, baseball cap



2021

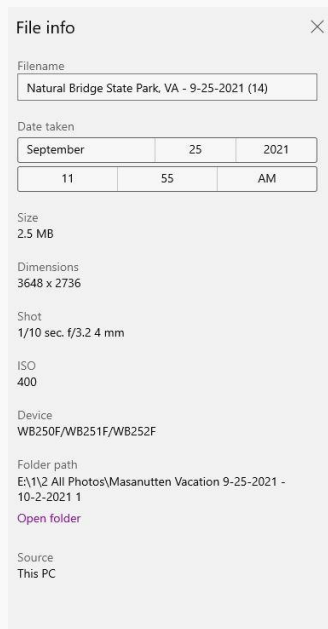


Again, this is Brian (USWGO) in 2011 in Washington DC - black camera bag – black camera

Some of his YouTube video links, years & his age at the time beginning with the photo above

<https://www.youtube.com/watch?v=UehFu44dHLO>

(USWGO) Brian Hill interviews Occupy DC Protest activist - 353 views - Oct 25, 2011



<https://www.youtube.com/watch?v=unDdIVXwM1w>

**Stop and smell the flowers - USWGO Photo Slideshow - 1,551 views - Apr 24, 2009**

<https://www.youtube.com/watch?v=fqWfj84fdHQ>

**528hz sound with relaxing water crystal pics-10 Min extension - 18,829 views - Sep 16, 2009**

<https://www.youtube.com/watch?v=ul7gklDrscQ>

**Patty Waszak - Proud to be an American - 1,839 views - Jul 29, 2010**

<https://www.youtube.com/watch?v=Z7nuC183bVs>

**Cherokee Indian Powwow Dance recorded by USWGO Press - 1,767 views - Jul 31, 2010**

<https://www.youtube.com/watch?v=JUX1QPqgdg4>

**USWGO Righthaven lawsuit makes WXII12 Triad News - 794 views - Feb 23, 2011**

<https://www.youtube.com/watch?v=MglUkmsMPI8>

**USWGO Righthaven lawsuit makes WGHP FOX8 Triad News - 1,456 views - Feb 23, 2011**

<https://www.youtube.com/watch?v=7NI8oVGOJRI>

**USWGO Jim Tucker Interview July 2nd 2011 by Brian Hill - 2,390 views - Jul 5, 2011**

**Pause on USWGO Videos. Here are some articles where Reporters without Borders got involved:**

<https://www.westword.com/news/reporters-without-borders-letter-faults-denver-post-for-righthaven-suit-against-brian-hill-5839963>

<https://www.westword.com/news/brian-hill-autistic-blogger-reboots-site-shares-plan-to-avoid-new-righthaven-copyright-lawsuit-5900894>

**Brian had some very good lawyers who tried to help him. The Federal Judge put a stop to the Righthaven's law suits, all law suits!**

<https://lasvegassun.com/blogs/business-notebook/2011/mar/22/pr-problem-widens-righthaven-nc-bloggers-demand-at/>

**I wrote this article in the Justice for Brian website which his friends started and have been working on to fight for justice for an innocent man with autism who was set up with child porn (virus) on his computer in 2012.**

<https://justiceforbrianhill2.wordpress.com/2020/10/03/justice-for-brian-d-hill/>

<https://www.youtube.com/watch?v=-jhFHW5jYRA>

**Carl DeHart about Hitler rising to power through economic crises - 617 views - Oct 7, 2011**

<https://www.youtube.com/watch?v=avZI0FODB9U>

**America: From the Road of Freedom to the Streets of Fascism HQ Full Length  
3,512 views - Jan 1, 2012**

<https://www.youtube.com/watch?v=bpP14GKvMxs>

**World Government isn't coming, it's already here! - USWGO Special Report Episode 1  
2,935 views - Jan 30, 2012**



<https://www.youtube.com/watch?v=KzaKWJVL6Gw>

Chaos;HEAd anime talks about mind control and mind reading! - 2,905 views - Nov 27, 2011

<https://www.youtube.com/watch?v=oATdPEexF34>

USWGO Interview with Dr. Michael Coffman March 8 2012 Agenda 21, ICLEI, etc etc.  
765 views - Mar 9, 2012

<https://www.youtube.com/watch?v=e-EYv1PeouU>

Agenda 21 Speech at the Mayodan Town Council meeting - 1,276 views - Mar 12, 2012

<https://www.youtube.com/watch?v=xClcoYa9AAQ>

USWGO Brian D. Hill makes a speech on the NDAA at the Mayodan Town Council April 9th  
2012 - 114 views - Apr 10, 2012

<https://www.youtube.com/watch?v=sxooThGOMTw>

Nullify-NDAA Petition and Report given to NC Senator Phil Berger - 770 views - May 15, 2012

<https://www.youtube.com/watch?v=MtUtvFqm5y4>

USWGO Exclusive Interview Interview with Elton Crisman on P-Code - 265 views - May 16,  
2012

<https://www.youtube.com/watch?v=HN88NKknKI8>

USWGO Interview with Virgil Goode May 26 2012 - 897 views - May 27, 2012

<https://www.youtube.com/watch?v=Gau-QgLBhEq>

Reporter forced back by Mayodan Police for asking Senator Phil Berger a question - 1,653  
views - Jul 10, 2012

It wasn't long after this that Brian was set up with child porn which was a virus someone put on his computer. He had a great interview with Patrick Henry Jolly (5<sup>th</sup> great grandson of Patrick Henry) who gives the "Give me Liberty or Give me death" speech at Red Hill, VA on July 4, 2012, but Brian got upset after what the police did on July 10<sup>th</sup> then after that, there were viruses on his computer that he was fighting, then the police raid where they got all of his & his mom's photos & videos which included his USWGO articles and interviews. I'm not that good at taking videos like Brian is, but I thought this message needs to be put on the Internet. I enjoyed hearing what he told Brian.

<https://www.youtube.com/watch?v=h9zQMuTiV4g>

Brian Hill (USWGO) preparing to interview Patrick Henry Jolly on July 4, 2012 - 40 views  
Feb 19, 2017

Note Brian's black camera bag on the ground in 2012.

<https://www.youtube.com/watch?v=jZe25wo32ro>

Brian Hill (USWGO) interviewing Patrick Henry Jolly on July 4, 2012 - 127 views - Feb 19, 2017

## Autism Awareness Month and World Autism Awareness Day

04/01/2019

**WHEREAS**, autism spectrum disorder is a neurological and developmental disorder that affects communication and behavior; and

**WHEREAS**, autism is an urgent public health crisis that demands support from all levels of government; and

**WHEREAS**, symptoms of autism may present themselves in a variety of combinations, and can result in significant lifelong impairment of an individual's ability to learn, develop healthy interactive behaviors, and understand verbal and nonverbal communication; and

**WHEREAS**, the Centers for Disease Control and Prevention reports that one in 59 school-aged children have been identified with autism spectrum disorder; and

**WHEREAS**, Virginia is committed to ensuring that people living with autism have access to lifelong care and services needed to pursue their full potential and happiness; and

**WHEREAS**, the Commonwealth is honored to take part in the annual observance of Autism Awareness Month and World Autism Awareness Day in the hope that it will lead to a better understanding of the disorder;

**NOW, THEREFORE**, I, Ralph S. Northam, do hereby recognize April 2019 as **AUTISM AWARENESS MONTH** and April 2, 2019, as **WORLD AUTISM AWARENESS DAY** in our **COMMONWEALTH OF VIRGINIA**, and I call this observance to the attention of all our citizens.

MM00370912  
ED Physician Record - Electronic - Page 1/4

MM7806761243

SOVAH Health - Martinsville  
Job 23328 (05/17/2019 13:34) - Page 4 Doc# 2

Brian Hill  
MRN: MM00370912  
ACCT: MM7806761243

### **FOLLOW UP INSTRUCTIONS**

Private Physician

When: Tomorrow

Reason: Further diagnostic work-up, Recheck today's complaints, Continuance of care

Emergency Department

When: As needed

Reason: Fever > 102 F, Trouble breathing, Worsening of condition

**Sovah Health Martinsville**

320 Hospital Drive  
Martinsville, VA 24112  
276-666-7237

7806761243

**Emergency Department**  
**Instructions for:**

**Hill, Brian D****Arrival Date:****Friday, September 21, 2018**

Thank you for choosing **Sovah Health Martinsville** for your care today. The examination and treatment you have received in the Emergency Department today have been rendered on an emergency basis only and are not intended to be a substitute for an effort to provide complete medical care. You should contact your follow-up physician as it is important that you let him or her check you and report any new or remaining problems since it is impossible to recognize and treat all elements of an injury or illness in a single emergency care center visit.

**Care provided by:** Hinchman, Brant, DO**Diagnosis:** Abrasion, right knee; Abrasion of unspecified front wall of thorax

DISCHARGE INSTRUCTIONS	FORMS
VIS, Tetanus, Diphtheria (Td) - CDC Abrasion, Easy-to-Read Knee Pain, Easy-to-Read	Medication Reconciliation

**Care provided by:** Hinchman, Brant, DO**Diagnosis:** Abrasion, right knee; Abrasion of unspecified front wall of thorax

DISCHARGE INSTRUCTIONS	FORMS
VIS, Tetanus, Diphtheria (Td) - CDC Abrasion, Easy-to-Read Knee Pain, Easy-to-Read	Medication Reconciliation
FOLLOW UP INSTRUCTIONS	PRESCRIPTIONS
<b>Private Physician</b> When: Tomorrow; Reason: Further diagnostic work-up, Recheck today's complaints, Continuance of care <b>Emergency Department</b> When: As needed; Reason: Fever > 102 F, Trouble breathing, Worsening of condition	None
SPECIAL NOTES	
None	

**National Hopeline Network: 1-800-784-2433**

**Below: WHY WOULD A DOCTOR IN AN EMERGENCY ROOM OF A HOSPITAL NOT CHECK THE PATIENT'S BLOOD GLUCOSE WHEN THE HOSPITAL RECORD CLEARLY STATED HE HAD DIABETES, AUTISM & OCD? WHY WRITE ON RECORDS TO SEE HIS DOCTOR THE NEXT DAY KNOWING HE IS BEING ARRESTED INSTEAD OF KEEPING HIM IN THE HOSPITAL FOR MORE TEST? DIDN'T THEY**



**THINK THAT WAS ODD FOR HIM TO BE OUT ALL NIGHT WALKING AROUND A TRAIL BY HIMSELF IN THE NUDE? The police bring him to the hospital at 4 in the morning, yet the hospital record says "This evening".**

EMERGENCY DEPARTMENT RECORD

Physician Documentation

Sovah Health Martinsville

Name: Brian Hill

Age: 28 yrs

Sex: Male

DOB: 05/26/1990

MRN: MM00370912

Arrival Date: 09/21/2018

Time: 04:04

Account#: MM7806761243

Bed ER 9

Private MD:

ED Physician Hinchman, Brant

HPI:

09/21

04:40 This 28 yrs old White Male presents to ER via Law Enforcement with complaints of Knee Pain. bdh

09/21

04:48 28-year-old male with diabetes and autism presents for evaluation after complaining of right knee pain and scrapes and abrasions. bdh  
Patient was apparently taking pictures of himself in the nude across town this evening and when police attempted apprehend him brain through Briar patch. Patient does report scratches and abrasions to the right knee but no pain on range of motion. Unknown last tetanus..

Historical:

- Allergies: Ranitidine;

- PMHx: autism; Diabetes - IDDM; OCD;

- Exposure Risk/Travel Screening:: Patient has not been out of the country in last 30 days. Have you been in contact with anyone who is ill that has traveled outside of the country in the last 30 days? No.

**WHY DID THIS HOSPITAL ORDER THESE TEST, TAKE BLOOD FROM BRIAN, THEN DELETE THEM? WE DON'T KNOW WHAT HIS GLUCOSE WAS. FOUND OUT 4 MONTHS LATER ABOUT THE CARBON MONOXIDE. COULD SOMEONE HAD DRUGGED HIM? WHY DOES HE HAVE A PINK CAMERA WHEN HE USES A BLACK CAMERA ALWAYS AND HAS FOR OVER 10 YEARS AT THIS TIME? WHY IS HE WEARING A STOCKING CAP WHEN HE ALWAYS WEARS BASEBALL CAPS? WHY DIDN'T HE HAVE HIS CAMERA BAG WITH HIM IF HE WENT THERE TO TAKE PHOTOS OF HIMSELF? WE HAVE NEVER SEEN HIM TAKE SELFIE PHOTOS AS WE HAVE SEEN OTHER YOUNG PEOPLE DO. WHY WAS HE USING A BACKPACK THAT HIS MOM HAS NEVER SEEN AND IS SMALLER THAN THE ONES WE HAVE SEEN HIM USE WHEN GOING ON A HIKING TRAIL WITH HIS MOM? KNOWING HOW SEVERE HIS DIABETES IS, WHY WOULD HE TAKE OFF LIKE THAT AT NIGHT BY HIMSELF? WHY WAS HE IN THE NUDE? AT FIRST WE THOUGHT IT HAD SOMETHING TO DO WITH CARBON MONOXIDE & AUTISM, BUT THE PINK CAMERA, STOCKING CAP & THE BACK PACK: THEN ADD TO THAT THE CAMERA HAVING NUDE PHOTOS, A PROBATION FORM AND HIS NAME AS AN AUTHOR OF A PUBLIC FORM DOESN'T MAKE ANY SENSE. ADD TO THAT THE POLICE NOT DOING AN INVESTIGATION, THE POLICE IGNORING OUR LETTERS WHEN THEY ARE SUPPOSED TO BE THERE TO HELP THE CITIZENS OF MARTINSVILLE. THEY ARE NOT VOLUNTEERS. THEY ARE PAID BY US & THE OTHER CITIZENS, THEN NO BODY CAM AS IT'S OBVIOUS**

BRIAN WAS IN BAD SHAPE THAT NIGHT. WE (BRIAN'S MOM & BOTH GRANDPARENTS) WERE THERE IN THE MARTINSVILLE COURT DECEMBER. 2018 AND WHAT WE SAW WAS THAT HIS DISABLED COURT APPOINTED ATTORNEY DID VERY LITTLE TO HELP BRIAN. BRIAN HAD NO SUPPORTS THERE FOR HIS DISABILITIES EVEN THOUGH WE MADE IT CLEAR FROM THE BEGINNING ALL OF HIS DISABILITIES. WE WATCHED AS GLEN ANDREW HALL MADE FUN OF OUR GRANDSON & HIS DISABLED ATTORNEY, THEN HE TOOK 8 x 10 PHOTOS OF OUR GRANDSON IN THE NUDE TO SHOW ALL OF THE AUDIENCE WHICH INCLUDED US. WE TURNED OUR HEADS & REFUSED TO SEE THEM. THAT WAS HORRIBLE! THEN THE JUDGE SAID THAT BRIAN WAS GUILTY! GUILTY OF WHAT? GUILTY OF HAVING AUTISM? GUILTY OF BEING EXPOSED TO CARBON MONOXIDE FOR ABOUT A YEAR? GUILTY OF BEING SET UP, AND PROBABLY DRUGGED? GUILTY BECAUSE THE POLICE DID NOT DO AN INVESTIGATION? AND GUILTY BECAUSE THE HOSPITAL WERE NEGLIGENT IN THEIR DUTIES? GUILTY BECAUSE THE POLICE IGNORED HIM & HIS FAMILY AND MADE SURE THE BODY CAM WOULD NOT BE THERE? THE MORE I CHECK INTO THIS, THE ANGRIER I BECOME (BRIAN HILL'S GRANDMOTHER, STELLA FORINASH) 1/26/2022 AT 4 IN THE MORNING.

### THE FOLLOWING ITEMS WERE DELETED FROM THE CHART. WHY?

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SOVAH Health - Martinsville

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Ramey, Nicole  
Bouldin, Lauren, RN  
Reynolds, Daniel R

nmr  
RN lbl  
RN dr

Corrections: (The following items were deleted from the chart)

09/21  
04:48 09/21 04:16 COMPREHENSIVE METABOLIC PANEL+LAB ordered. EDMS EDMS  
09/21  
04:48 09/21 04:16 COMPLETE BLD COUNT W/AUTO DIFF+LAB ordered. EDMS EDMS  
09/21  
04:49 09/21 04:16 CPK, TOTAL+LAB ordered. EDMS EDMS  
09/21  
04:50 09/21 04:16 ALCOHOL, ETHYL+LAB ordered. EDMS EDMS  
09/21  
04:50 09/21 04:16 STAT OVERDOSE PANEL+LAB ordered. EDMS EDMS  
09/21  
04:52 09/21 04:52 09/21/2018 04:52 Discharged to Jail/Police. Impression: bdh  
Abrasion, right knee; Abrasion of unspecified front wall of thorax.  
Condition is Stable. Discharge Instructions: Medication  
Reconciliation. Follow up: Private Physician; When: Tomorrow; Reason:  
Further diagnostic work-up, Recheck today's complaints, Continuance  
of care. Follow up: Emergency Department; When: As needed; Reason:  
Fever > 102 F, Trouble breathing, Worsening of condition. Problem is  
new. Symptoms have improved. bdh

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,  
CITY OF MARTINSVILLE,  
PLAINTIFF,

v.

BRIAN DAVID HILL,  
DEFENDANT.

CASE NO: CR19000009-00

**MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL BASED  
UPON NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT  
THE TIME OF CONVICTION; NEW EVIDENCE OF SPOILIATION  
OF EVIDENCE COMMITTED BY COMMONWEALTH OF  
VIRGINIA; REQUEST FOR SANCTIONS AGAINST COUNSEL  
GLEN ANDREW HALL, ESQUIRE (OFFICER OF THE COURT) FOR  
VIOLATING COURT ORDERS FOR NOT TURNING OVER BODY-  
CAMERA FOOTAGE AND IT IS LIKELY DESTROYED AND  
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON DAY  
OF CHARGE, ALSO LIKELY DESTROYED**

COMES NOW the Defendant, BRIAN DAVID HILL (“Defendant”), by and through himself pro se, and moves this Honorable Court for the following, for judgment of acquittal or a New Trial based upon new admissible evidence which could not have been legally considered admissible in 2019 until a new law had passed in 2021; and new evidence that the Commonwealth of Virginia by and through Martinsville Police Department had violated one or multiple Court Orders on omission and destruction of discovery materials aka Brady materials pursuant to Brady v. Maryland, 373 U.S. 83 (1963) and pursuant to the Court Orders. **This**

**Motion is pursuant to Virginia Rules of the Sup. Ct. 3A:15;** Virginia Code § 19.2-271.6; and *Schlup v. Delo*, 513 U.S. at 327 — 28. *Settles v. Brooks*, Civil Action No. 07-812, 18 n.6 (W.D. Pa. Jun. 26, 2008).

The request for judgment of acquittal is for criminal case no. CR19000009-00; charge of violating Virginia Code § 18.2-387. Indecent exposure dated September 21, 2018; and the criminal conviction judgment which was rendered on November 18, 2019.

Defendant requests in this motion that the Court consider all new **STATEMENT OF FACTS** concerning new facts of mental illness/disability/disorders which were not admissible at the time of the criminal conviction and spoliation of evidence by the Commonwealth, and that these STATEMENT OF FACTS warrant a judgment of acquittal, A New Trial, or an evidentiary hearing to make a determination on the new facts and allow both sides to present evidence to the Court; present any witnesses for direct examination and cross examination; and make a determination if Defendant had made a requisite showing of Actual Innocence through Legal Innocence, meaning that the law was never violated that a conviction cannot be sustained with the new evidence.

This Motion is pursuant to Virginia Rules of the Sup. Ct. 3A:15; Virginia Code § 19.2-271.6; and *Schlup v. Delo*, 513 U.S. at 327 — 28. *Settles v. Brooks*, Civil Action No. 07-812, 18 n.6 (W.D. Pa. Jun. 26, 2008) (“The Supreme Court in *Schlup* explained that an actual innocence claim in the context of seeking to have a procedural default “forgiven” so as to have the procedurally defaulted claims reviewed on the merits is a “gateway” claim. In other words, the claim of actual innocence in the *Schlup* context is not a claim that because I am actually innocent by virtue of that fact alone I am entitled to federal habeas relief but, rather, is a claim that contends because I am actually innocent, the court should **forgive my**

**procedural default in the State courts and consider my procedurally defaulted claims on their merits. Schlup, 513 U.S. at 315.”)**

Settles v. Brooks, Civil Action No. 07-812, 16 (W.D. Pa. Jun. 26, 2008)  
 (“Petitioner counters that this evidence of his actual innocence overcomes the procedural default because to not entertain his **procedurally defaulted claim of actual innocence would result in a complete miscarriage of justice.**”)

This Court’s criminal conviction entered on the judgment of November 18, 2019, against Brian David Hill, an innocent man, is not a final judgment as the timely direct appeal of that criminal conviction is still pending after filing a timely NOTICE OF APPEAL (CAV Appeal no. 1295-20-3) to the Supreme Court of Virginia on September 9, 2021. Still pending. Therefore the final judgment had not been entered yet and this MOTION is being filed during the appeal pending process of Direct Appeal of the criminal conviction in this case. A judgment is usually not final until a timely appeal had concluded by the highest appeal Court available. Therefore this Motion should not be barred by any time limits. Also “Actual Innocence” is not procedurally time barred and “Actual Innocence” claims cannot be time barred. “Actual Innocence” is not procedurally barred.

Before the Statement of Facts, let us examine a new law as to admissibility of evidence material and relevant to his criminal charge, previously not admissible in the year, 2019, when Defendant had withdrawn his appeal. Defendant had not plead guilty and had retained his right to prove his Actual Innocence and overturn his conviction at a later date. With the new Virginia law in 2021, today is that day.

**CITATION OF § 19.2-271.6. Evidence of defendant's mental condition admissible; notice to Commonwealth.**

A. For the purposes of this section:

"Developmental disability" means the same as that term is defined in § 37.2-100.

"Intellectual disability" means the same as that term is defined in § 37.2-100.

"Mental illness" means a disorder of thought, mood, perception, or orientation that significantly impairs judgment or capacity to recognize reality.

B. In any criminal case, evidence offered by the defendant concerning the defendant's mental condition at the time of the alleged offense, including expert testimony, is relevant, is not evidence concerning an ultimate issue of fact, and shall be admitted if such evidence (i) tends to show the defendant did not have the intent required for the offense charged and (ii) is otherwise admissible pursuant to the general rules of evidence. For purposes of this section, to establish the underlying mental condition the defendant must show that his condition existed at the time of the offense and that the condition satisfies the diagnostic criteria for (i) a mental illness, (ii) a developmental disability or intellectual disability, or (iii) autism spectrum disorder as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association.

## **STATEMENT OF FACTS**

The Statement of Facts is hereby presented to the Circuit Court for Martinsville based on the following new pieces of evidence:

1. Defendant suffers from a neurological mental condition/illness and disorder since childhood known as Autism Spectrum Disorder, this disorder is in The Diagnostic and Statistical Manual of Mental Disorders (DSM). It is a highly diagnosed disorder on many kids with unusual behavior issues in schools and daycares, and is a known disorder. Autism follows the child into adulthood and is considered a permanent neurological disability. Defendant had suffered from such disorder before the time of the alleged incident on September 21, 2018, during the time of the alleged incident on September 21, 2018, and after the time of the alleged

incident on September 21, 2018. This new Virginia Law and the evidence presented by Defendant plays a role in proving that there was NO INTENT to violate Virginia Code, citing Mens Rea, in regards to the charge of Virginia Code § 18.2-387. Indecent exposure, on September 21, 2018. See EXHIBIT 1 (EXHIBIT PAGES 1-3), EXHIBIT 10 (EXHIBIT PAGES 131-137), EXHIBIT 11 (EXHIBIT PAGES 138-139), AND EXHIBIT 12 (EXHIBIT PAGES 140-146).

2. Defendant was diagnosed in October, 2018, as to suffer from a psychosis after making statements about a guy wearing a hoodie threatening to kill his mother if he had not gotten naked. Psychosis Disorder was given to Brian David Hill by Psychiatrist Dr. Conrad Daum, a forensic psychiatrist. Psychosis was found in relevance to and material to the alleged incident on September 21, 2018, regarding the alleged indecent exposure allegations against Brian David Hill.
3. Only in 2019, when the Jury Trial was scheduled for December 2, 2019, Defendant's only best viable option at the time was to attempt to plead not guilty by reason of INSANITY, as at the time was Defendant's only option, but that option was not available to Defendant due to lack of sufficient evidence for the Circuit Court to find Defendant not guilty by reason of insanity. Now with the Legislature's 2021 passage of Virginia Code § 19.2-271.6, **Defendant now can declare himself not guilty by evidence of his mental disorders/illnesses/disabilities and no intent by reason of Autism Spectrum Disorder, Psychosis, and Obsessive Compulsive Disorder.** In regards to INTENT, the intent element of his charge, **Brian David Hill is innocent of the intent element and the intent element by the Commonwealth is disproven by the 2021 admissible evidence which was not admissible in 2019.**
4. The STATEMENT OF FACTS paragraphs 1 and 3; and paragraphs 18-23; could not have been used for the Jury Trial prior to Defendant withdrawing his appeal, filed on November 12, 2019, because the statute/law of Virginia Code § 19.2-



271.6 had not existed until 2021 after the General Assembly passed such bill into law and the Governor's approval by signing the legislation. In 2019, during the pendency of his Trial De Novo, Defendant was only permitted to try for mental insanity plea but that is a very high bar with ghastly consequences of indefinite detention in a State Mental Hospital if it had succeeded. Now thanks to the new 2021 law, now the defendant has another admissible and legal defense and that is his defense of Autism, Obsessive Compulsive Disorder, and Psychosis proving that Defendant had no intent of violating Virginia Code § 18.2-387; and intent is required to be proven to convict Defendant of the charge of violating Virginia Code § 18.2-387. All elements of a criminal charge and allegations must be proven beyond a reasonable doubt to convict, otherwise the Court must acquit.

5. The STATEMENT OF FACTS paragraphs 1 and 3; and paragraphs 18-23; and other FACTS could not have been used in the Jury Trial scheduled for December 2, 2019, even if Defendant had not withdrawn his appeal, filed on November 12, 2019, because the statute/law of Virginia Code § 19.2-271.6 had not existed until 2021 after the General Assembly passed such bill into law and the Governor's approval by signing the legislation. With the law in effect, Defendant can now have a defense for when he takes the matter back to Trial or request for Judgment of Acquittal to save scarce judicial resources by FACTS of Innocence. A criminal case "defense" is considered actual innocence. Having a defense means that you did not break the law, and the legal defense shows that the law was not violated.
6. Now that the statute/law of Virginia Code § 19.2-271.6, had been codified as the law, it nullifies Virginia Supreme Court verdict of Stamper v. Commonwealth, 228 Va. 707 (1985). Due to that Virginia Supreme Court decision, Normally the Courts bar usage of mental disorders and mental disabilities as any defense of NO INTENT or helps prove innocence; cause of that case law authority in the year of 1985 prior to the new law in the year of 2021. However the passage of this new

LAW by the Legislature nullifies that case law, nullifies Stamper v. Commonwealth, 228 Va. 707 (1985) and modifies existing law to permit usage of Developmental disability, Intellectual disability, and mental illness as a legal defense to a criminal charge in regards to INTENT and that such evidence would be admissible when normally it would be barred by the Courts in Virginia. Therefore it is codified as LAW that mental disorders and mental illnesses be considered as part of the evidence, facts, and elements of a charged crime. Mental disorders can disprove one or multiple elements of a charged crime and thus a Defendant cannot be held culpable as previously held under previous law.

7. **THEREFORE, Defendant requests with the Circuit Court in this MOTION to modify and/or extend any existing or create new case law of Virginia Code § 19.2-271.6 with the nullification of Stamper v. Commonwealth, 228 Va. 707 (1985); to hold or find that Defendant Brian David Hill is entitled to a new criminal defense; and thus is either entitled to a New Trial or Judgment of Acquittal by establishing proof of his mental illnesses/disabilities/disorders and that those mental issues are material to the charge and thus prove that Defendant had no INTENT to violate any Virginia Law on the night of September 21, 2018. Defendant requests that the law in this Court must be extended or modified or newly created by the new law to extend to the criminal case of Brian David Hill, and to the wrongful conviction of Brian David Hill on November 18, 2019.**
8. Under the United States and Virginia Constitutions you must be guilty of every element of a crime to be convicted. The Government bears the burden of proving every element of your crime beyond a reasonable doubt. Like in the OJ Simpson Trial case for example, if the glove doesn't fit, the Jury must acquit.
9. Defendant Brian David Hill never plead guilty when he had filed a motion to withdraw appeal. He had a defense with proof of evidence backing such criminal

defense which had not existed (as it was inadmissible in 2019) in the year of 2019 but now existed after the year of 2021. The judge recognized that Brian David Hill never plead guilty, such notion was marked out of the record by permanent black marker pen ink. On the Judgment entered by Hon. Giles Carter Greer on November 18, 2019: he or his Law Clerk had stricken from the record any notion of such. Therefore, it is a fact that Defendant never plead guilty to this charge in any Court of Law.

10. The Virginia Code § 19.2-271.6 provides that a Defendant can file and assert evidence to support his defense now that he had “no intent” to commit any criminal act on September 21, 2018. The law says “and shall be admitted if such evidence (i) tends to show the defendant did **not have the intent required for the offense charged**” (citations omitted).
11. With the new evidence presented along with the STATEMENT OF FACTS paragraphs 1 through 10; paragraphs 18 through 23; on December 21, 2018, the General District Court erred in finding that the evidence before it was sufficient to find that Defendant violated Virginia Code § 18.2-387 because the evidence **failed to show that the Defendant acted intentionally** to make an obscene display or exposure of his person. That means the Circuit Court also erred in affirming the judgment of the General District Court on November 18, 2019.
12. That criminal law statute provides, in relevant part, that “[e]very person who **intentionally** makes an **obscene** display or exposure of his person, or the private parts thereof, in any public place, or in any place where others are present, or procures another to so expose himself, shall be guilty of a Class 1 misdemeanor.” Va. Code § 18.2-387 (emphases added).
13. “The ‘obscenity’ element of Code § 18.2–387 may be satisfied when: (1) the accused admits to possessing such intent, *Moses v. Commonwealth*, 611 S.E.2d

607, 608 (Va. App. 2005)(*en banc*); (2) the defendant is visibly aroused, *Morales v. Commonwealth*, 525 S.E.2d 23, 24 (Va. App. 2000); (3) the defendant engages in masturbatory behavior, *Copeland v. Commonwealth*, 525 S.E.2d 9, 10 (Va. App. 2000); or (4) in other circumstances when the totality of the circumstances supports an inference that the accused had as his dominant purpose a prurient interest in sex, *Hart*, 441 S.E.2d at 707–08. The mere exposure of a naked body is not obscene. See *Price v. Commonwealth*, 201 S.E.2d 798, 800 (Va. 1974) (finding that “[a] portrayal of nudity is not, as a matter of law, a sufficient basis for finding that [it] is obscene’.” *Romick v. Commonwealth*, No. 1580-12-4, 2013 WL 6094240, at \*2 (Va. Ct. App. Nov. 19, 2013)(unpublished)(internal citations reformatted)).

14. While the evidence may show that Defendant was naked in public at night, as stated in the original Criminal Complaint Affidavit filed on September 21, 2018 by Officer Robert Jones of Martinsville Police Department; nudity, without more, is not obscene under Virginia law. Rather, “[t]he word ‘obscene’ where it appears in this article shall mean that which, **considered as a whole, has as its dominant theme or purpose an appeal to the prurient interest in sex**, that is a shameful or morbid interest in nudity, sexual conduct, sexual excitement, excretory functions or products thereof or sadomasochistic abuse, and which goes substantially beyond customary limits of candor in description or representation of such matters and which, taken as a whole, does not have serious literary, artistic, political or scientific value.” Va. Code § 18.2-372 (emphasis added). While Virginia does not appear to have established a clean definition of criminal intent, *Black’s Law Dictionary* defines it as “[a]n intent to commit an actus reus without any justification, excuse, or other defense.”

15. In summary, in order to show that the Defendant committed the offense of indecent exposure under Virginia law, the Commonwealth was required to prove,

among other things, that the Defendant had the intent to display or expose himself in a way which has, as its dominant theme or purpose, appeal to the prurient interest in sex, as further defined above, without any justification, excuse, or other defense.<sup>1</sup> The Commonwealth failed to do so. Rather, the Commonwealth's evidence, presented through its own witnesses, showed the Defendant as someone who was running around naked between midnight and 3:00 a.m. and taking pictures of himself because he believed that someone was going to hurt his family if he did not do so. See **EXHIBIT 4**. See EXHIBIT PAGES INDEX PAGES 45-46.

16. The General District Court on the Trial of December 21, 2018 and the Circuit Court while pending a Trial De Novo did not hear of Virginia Code § 19.2-271.6; and any evidence admissible pursuant to Virginia Code § 19.2-271.6 (2021, law) could not be admissible at the time of General District Court on the Trial of December 21, 2018; and not to be at the time of the Jury Trial set for the date of December 2, 2019, in the Circuit Court for the City of Martinsville. Now new evidence can be heard and be admitted for the Jury Trial or Judgment of Acquittal or New Trial by a rational trier of fact.

17. Had the passage of Virginia Code § 19.2-271.6 been prior to the Jury Trial set for December 2, 2019, the Defendant never would have filed a motion to withdraw appeal. The passage of Virginia Code § 19.2-271.6 gives the defendant a defense which had not been allowed previously at the time of both Trials in both the General District Court and the Circuit Court. The cause and passage of Virginia

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<sup>1</sup> For the reasons stated above, the government's burden was to prove every element of the offense, including the mens rea, beyond a reasonable doubt. However, even if, arguendo, this Court were to find that the government's burden was only a preponderance of the evidence, the government has still failed to carry its burden.

Code § 19.2-271.6 had caused the Defendant to want to pursue either a New Trial, Actual Innocence, or Judgment of Acquittal. Since evidence that Defendant could not be allowed to use in both Trials is now permissible to be used and is admissible. This gives the Defendant, a laser-focused legal defense which can be used to be found not-guilty by a jury. A laser-focused legal defense which was not afforded to him in 2019 due to the previous law or laws regarding admissibility of mental illness, mental disability, and mental disorders as evidence for his/her defense to a criminal charge.

18. The General District Court and the Circuit Court did not hear, however, any evidence of Defendant having his dominant theme, or purpose being an appeal to the prurient interest in sex. For example, there was no evidence of Defendant making any sexual remarks, being aroused, masturbating, or enjoying his conduct, sexually or otherwise. If a person was purposing to expose himself in public because he or she found it sexually arousing, it would be logical that he or she would pick a place and time where he or she would expect to encounter lots of members of the public. Defendant did not do that. Rather, he was running around between midnight and 3:00 a.m. and the witnesses to his nudity were few. Hence, the statements Defendant made to police and his conduct both indicate that, in the light most favorable to the Commonwealth, he was naked in public **while having a psychiatric episode or mental breakdown**, but **without the intent necessary to commit indecent exposure under Virginia law**. Therefore, the Circuit Court and General District Court erred, as a matter of law, when it found that Defendant had violated Virginia Code § 18.2-387. The conviction must be vacated as soon as possible.

19. There was only one Mental Evaluation ordered by the General District Court regarding the time of the alleged incident on September 21, 2018, and at the time it was only regarding Mental Insanity or Competency. That evaluation was

conducted for this case in the General District Court, before it was appealed as a Trial De Novo review. Despite it being only for “Competency to Stand Trial”, that evaluation is relevant and material to what had happened on September 21, 2018. For GC18-3138. Evaluation Report is sealed so I am referring to the entire SEALED EVALUATION CASE FILES. Anyways, that evaluation was not pursuant to Virginia Code § 19.2-271.6, but nevertheless that mental evaluation by Dr. Rebecca K. Lochrer, PhD, shall constitute material evidence in support of Defendant’s defense in his criminal case pursuant to Virginia Code § 19.2-271.6. Therefore Defendant did push for such mental evaluation, even though in 2018 it was only permitted to be an evaluation for competency and/or insanity. Some of the diagnoses are: “Autism Spectrum Disorder” and “Obsessive Compulsive Disorder”. Both of those are evidence pursuant to Virginia Code § 19.2-271.6, and prove that Defendant had such disorders at the time of the alleged incident as charged on September 21, 2018.

20. There was an issue of non-compliance with one element of the Court Order for a Mental Evaluation where Attorney Scott Albrecht of the Public Defender Office in 2018 was supposed to provide all mental health records known to him and medical records known to him to Dr. Rebecca K. Lochrer, PhD, for the mental evaluation. Scott Albrecht did not provide a documented diagnosis from forensic psychiatrist Dr. Conrad Daum in October 24, 2018, where he had diagnosed Defendant as having “Psychosis” referring to Psychosis Disorder and “Autistic Disorder” referring to Autism Spectrum Disorder. See **Exhibit 12** (EXHIBIT PAGES 140-146) for the diagnosis on October 24, 2018. That was omitted from her PSYCHOLOGICAL EVALUATION and never introduced to Dr. Rebecca K. Lochrer, PhD, so she was in the dark in regards to the psychosis diagnosis. She, the psychological evaluator for the criminal case did not know about that past diagnosis which means her report was premature, erroneous (by lack of all



knowledge of all mental reports) and incomplete due to lack of her access to all relevant and material mental health records that Attorney Scott Albrecht may have been aware of but failed to give her a copy of as asked by the Court. See **Exhibit 13** (EXHIBIT PAGES 147-152), for the information on Dr. Conrad Daum being a “American Board of Forensic Psychiatry Certification in Forensic Psychiatry”. So he is a certified forensic psychiatrist, which means his evaluations and expertise is admissible in Federal and/or State Courts. Also now admissible under Virginia Code § 19.2-271.6.

21. The evaluation referenced and cited in paragraphs 17 and 18, prove for a fact that Defendant Brian David Hill suffers from Autism Spectrum Disorder, Obsessive Compulsive disorder, and a psychosis around the time of the charge of Brian David Hill for the alleged claim that Brian David Hill committed indecent exposure and was charged with violating Virginia Code § 18.2-387.
22. It is a fact that Brian David Hill has Autism Spectrum Disorder and had this disorder/illness since he was a child. See **Exhibit 1** (EXHIBIT PAGES 1-3). **Exhibit 1** is the “DISABLED PARKING PLACARDS OR LICENSE PLATES APPLICATION” with a Doctor’s medical certification in the year 2016 that Brian David Hill is permanently limited or impaired, because of his Autism Spectrum Disorder. See **Exhibit 10** (EXHIBIT PAGES 131-137). **Exhibit 10** is the “DIVISION FOR TREATMENT AND EDUCATION OF AUTISTIC AND RELATED COMMUNICATION HANDICAPPED CHILDREN, Department of Psychiatry, University of North Carolina, DIAGNOSTIC EVALUATION”. This proves to the Circuit Court of the City of Martinsville, that Brian David Hill’s claim of being autistic is not merely some new claim and is not some new claim to attempt to make Brian appear to be Autistic, but he is autistic for many years, for decades, well since he was four years old. He is Autistic and has always been Autistic since the age of 4 as documented by the **Exhibit 10** diagnostic report.

Brian David Hill establishes a STATEMENT OF FACT that Brian David Hill has been autistic since childhood, and thus this is a real disorder and he had this disorder in the 1990s even before 2018. This makes this FACT an undeniable FACT. Prima Facie evidence.

23. It is a fact that Brian David Hill has Autism Spectrum Disorder and had this disorder/illness in 2017 as well. See **Exhibit 11** (EXHIBIT PAGES 138-139), Letter from “Dr. Shyam E. Balakrishnan, MD”. The DMV record referenced in paragraph 20 and the letter both demonstrate the prima facie evidence that Brian David Hill has Autism Spectrum Disorder and Obsessive Compulsive Disorder.
24. There is an expert witness documented report (a whitepaper) from a Law Enforcement trainer regarding Autism Spectrum Disorder and interactions with Law Enforcement Officers. That would include interactions with people like for example: Commonwealth witness and Police Officer Robert R. Jones, who interacted with Brian David Hill on September 21, 2018, who Brian David Hill had Autism Spectrum Disorder. I submit to the Circuit Court of the City of Martinsville, a relevant and material whitepaper and expert witness testimony, 3-page report from Dennis Debbaudt. The Commonwealth of Virginia and the Circuit Court may contact this expert witness and subpoena him or depose him, expert named Dennis Debbaudt, at the address of 2338 SE Holland Street, Port St. Lucie, Florida 34953. His email is [DDPI@flash.net](mailto:DDPI@flash.net). Phone: (772) 398-9756. The expert witness report applies to Brian David Hill on the situation with his interactions with Officer Robert Jones, the charging Officer on September 21, 2018. The report is titled: “Interview and Interrogation of people with autism (including Asperger syndrome)” This shall be a STATEMENT OF FACT regarding any oral or written statements obtained from Brian David Hill by Officer Robert Jones can be part of his Autism Spectrum Disorder. Brian David Hill warned Officer Robert Jones that he had Autism and can give misleading

statements when questioned. The officer refused to take heed of Brian's advice of his mental disability, of his communications issues, and totally treated it as if it weren't true, despite the medical records proving that Brian had Autism and has Autism. Brian didn't lie to the officer. Officer Jones did not take any of Brian's statements about Autism into account or consideration when charging the Defendant. See **Exhibit 14** (EXHIBIT PAGES 153-164).

25. According to **Exhibit 14** (EXHIBIT PAGES 153-164), a Federal Court Declaration Brian David Hill had filed notifying the U.S. District Court about the incident and his charge which had occurred on September 21, 2018. It is titled: "STATUS REPORT OF PETITIONER SEPTEMBER 27, 2018". Six (6) days after his arrest and charge. The reason it was filed on the date of October 17, 2018, was because Defendant had mailed the legal pleading to the wrong address: "324 West Market Street," "Martinsville, Virginia 24112". The mailing got returned to him (RETURN TO SENDER) for no such address and Brian David Hill later realized that he mailed the wrong city and State, and mailed it to the correct address of the Federal Courthouse at 324 West Market Street, Greensboro, North Carolina 27401. The **Exhibit 14** document is his statements about what he personally believed had happened on September 21, 2018, and what led up to it. He even said he thought he was "drugged" and yet the Commonwealth of Virginia never mandated any drug test DESPITE Defendant's claims of being "drugged", and it is their fault, it is the fault of Martinsville Police Department and Martinsville City Jail for not drug testing him when he is making statements in Federal Court, in writing, claiming that he thought he was drugged. Those written statements can be proven. I bet Defendant also told his attorney and/or the Officer and Brian's family during visitation that Defendant thought he was drugged and had blackouts. The Commonwealth never requested any drug test or Carboxyhemoglobin test because they were afraid that it would prove Brian Hill's

statements to be true, referring to any statements he made to Officer Robert Jones when being questioned about why he was naked.

26. This STATEMENT OF FACT shall present evidence that Defendant was deprived of Brady evidence material from the Commonwealth of Virginia in violation of multiple Court Orders, in violation of his Constitutional rights pursuant to Brady v. Maryland, 373 U.S. 83 (1963). Not just deprived of evidence, but evidence was destroyed by the Commonwealth of Virginia. Evidence such as: (#1) body-camera footage recorded by Officer Robert Jones and body-camera footage of any other police officers involved on September 21, 2018, regarding the arrest and interview/interrogation of Brian David Hill on September 21, 2018. Evidence such as: (#2) Blood vials drawn from Brian David Hill's arm at the Hospital after police detained Brian David Hill and handcuffed him and taken him to the Hospital. Technically Defendant was in Law Enforcement custody, in the custody of Martinsville Police Department after he was detained, and was at the Hospital with the officers present with defendant handcuffed. They were responsible for collection of any evidence and preservation of any evidence including biological evidence, concerning a pending criminal case matter before a Court. Biological evidence including blood samples and blood drawn from Defendant after being detained at a creek and had been taken to the Hospital by Martinsville Police and being driven there in an ambulance but still was under police custody. Blood vials were destroyed and laboratory tests which were supposed to be conducted including any drug or alcohol tests were then cancelled and blood vials destroyed. Martinsville Police Department was represented by the Commonwealth of Virginia, and Martinsville Police Department had committed two acts of spoliation of evidence. Therefore, the Commonwealth of Virginia destroyed evidence in violation of Court Orders and therefore, have violated multiple Court Orders which is CONTEMPT OF COURT, multiple times. Not

only has the Commonwealth of Virginia through its counsel Glen Andrew Hall, Esquire, committed the offenses of CONTEMPT OF COURT by omission of the body-camera footage and the blood vials drawn from Brian's arm, but had destroyed evidence and the Circuit Court should sanction Glen Andrew Hall, Esquire for destruction of biological evidence and destruction of video footage by a police body-camera recorded on September 21, 2018 of Brian David Hill.

The Circuit Court should punish Glen Andrew Hall and Martinsville Police department for violating one or multiple Court Orders.

See inherit or implied power and authority of all Courts under *Chambers v. Nasco, Inc.* (90-256), 501 U.S. 32 (1991); *Hazel-Atlas Glass Co. v Hartford-Empire Co.*, 322 U.S. 238 (1944).

Spoliation of Evidence is considered a FACT, and can be part of the STATEMENT OF FACTS because any spoliation of evidence by the Plaintiff/Prosecutor of a criminal or civil case means that his/her case was a weak or unfounded one from the very beginning no matter what alleged facts are filed of his/her cause.

For purposes of this Motion, "destruction of evidence" means rendering discoverable matter permanently unavailable to the court and the opposing party. Such a broad definition is necessary because of the great many contexts in which courts and commentators have considered destruction of evidence. It has two components: destruction and evidence.

See 2 J. WIGMORE (John Henry Wigmore), *EVIDENCES* § 278, at 133 James Harmon Chadborn ed., Little, Brown 1979) (1940) (emphasis added). See Federal Rules of Evidence 401.; 32 C.J.S. Evidence § 535 (2008); Evidence—Admissibility of

Attempts by a Party to Suppress Evidence, 9 TEX. L. REV. 79, 100 (1930) (stating that it has “long been recognized” that a party’s misconduct in manipulating evidence is admissible as indicating a “consciousness of the weakness of his case,” and citing cases from the 1800s that applied the inference to the fabrication, suppression, or destruction of evidence).

See *United Medical Supply Company, Inc. v. U.S.*, No. 03-289C, 8 (Fed. Cl. Jun. 27, 2007) (“Spoliation is the destruction or significant alteration of evidence, or failure to preserve property for another's use as evidence in pending or reasonably foreseeable litigation.” *West v. Goodyear Tire Rubber Co.*, 167 F.3d 776, 779 (2d Cir. 1999) (citing *Black's Law Dictionary* 1401 (6th ed. 1990)); see also *Allstate Ins. Co. v. Hamilton Beach/Proctor Silex, Inc.*, 473 F.3d 450, 457 (2d Cir. 2007). It has long been the rule that spoliators should not benefit from their wrongdoing, as illustrated by “that favourite maxim of the law, *omnia presumuntur contra spoliatores*,” 1 Sir T. Willes Chitty, et al., *Smith's Leading Cases*, 404 (13th ed. 1929). Spoliation may result in a variety of sanctions, with “the oldest and most venerable remedy” being an “adverse inference,” under which the finder of fact may infer that the destroyed evidence would have been favorable to the opposing side. Jonathan Judge, “Reconsidering Spoliation: Common-Sense Alternatives to the Spoliation Tort,” 2001 Wis. L.Rev. 441, 444 (2001); see also Jamie S. Gorelick, Stephen Marzen Lawrence Solum, *Destruction of Evidence* § 1.3 (1989) (hereinafter “Gorelick”).”)

If you catch the other side engaged in falsification including destruction of evidence, you can use that to argue that the other side's entire position lacks merit. And even more fundamentally, judges and juries do not like being tricked. If a judge or jury agrees that your opponent has engaged in falsification—even falsification relating only to one of several issues in the case—it will hold this quite strongly against your opponent and will come to doubt the validity of everything your opponent says and claims.

See 501 U.S. at 56–57; see also *Synanon Found., Inc. v. Bernstein*, 517 A.2d 28, 43 (D.C. 1986) (once a party embarks on a “pattern of fraud,” and “[r]egardless of the relevance of these [fraudulent] materials to the substantive legal issue in the case,” this is enough to “completely taint [the party’s] entire litigation strategy from the date on which the abuse actually began”).

See Some examples are: *Breezevale Ltd. v. Dickinson*, 879 A.2d 957, 964 (D.C. 2005) (**affirming sanction of dismissal where top executives of plaintiff company engaged in scheme to forge documents and subsequently denied the forgery in pleadings and sworn testimony**); *Synanon Found., Inc. v. Bernstein*, 503 A.2d 1254, 1263 (D.C. 1986) (**affirming sanction of dismissal where plaintiff, inter alia, destroyed audiotapes and made false statements to the court “that no responsive documents could be found” in order “to deceive the court, and to improperly influence the court in its decision on the defendants’ motions to compel, with the ultimate aim of preventing the judicial process from operating in an impartial fashion”**); *Cox v.*



Burke, 706 So. 2d 43 (Fla. Dist. Ct. App. 1998) (affirming sanction of dismissal where plaintiff gave false answers to interrogatories and deceptive deposition testimony); Pope v. Fed. Express Corp., 974 F.2d 982, 984 (8th Cir. 1992) (affirming sanction of dismissal for plaintiff's forgery of, and reliance on, a single document); Aoude v. Mobil Oil Corp., 892 F.2d 1115 (1st Cir. 1989) (affirming dismissal where plaintiff concocted a single document); Tramel v. Bass, 672 So. 2d 78, 82 (Fla. Dist. Ct. App. 1996) (**affirming default judgment against defendant who excised damaging six-second portion of videotape** before producing it during discovery).

**FACTS AND ISSUES WARRANTING JUDGMENT OF ACQUITTAL AND/OR  
SANCTIONS AGAINST GLEN ANDREW HALL, ESQUIRE, AND AGAINST  
THE COMMONWEALTH OF VIRGINIA**

1. The General District Court of Martinsville had entered an Order on the date of November 28, 2018. See **EXHIBIT 5** (EXHIBIT PAGES 112-114) to this filing. That order had not been complied with by the Commonwealth of Virginia for spoliation and omission of the body-camera footage recorded on September 21, 2018. Blood vials are biological human evidence, so it is considered Brady discovery materials and are relevant and material to September 21, 2018, and this such spoliation also violates this Court Order.

2. This Circuit Court for the City of Martinsville and the General District Court of the City of Martinsville did not know that the Commonwealth of Virginia and the City of Martinsville, through its legal counsel named Glen Andrew Hall, Esquire, had not followed the Court Orders of November 28, 2018; February 6, 2019; and July 15, 2019. That he did not comply with those Court Orders and flagrantly violated those Court Orders without giving a good reason to justify such action(s).
3. The Circuit Court for the City of Martinsville had entered an Order on the date of February 6, 2019. See **EXHIBIT 6** to this filing (EXHIBIT PAGES 115-118). Order for discovery materials. That order had not been complied with by the Commonwealth of Virginia for spoliation and omission of the body-camera footage recorded on September 21, 2018. Blood vials are biological human evidence, so it is considered Brady discovery materials and are relevant and material to September 21, 2018, and this such spoliation also violates this Court Order.
4. The Circuit Court for the City of Martinsville had entered an Order on the date of July 15, 2019. See **EXHIBIT 7** to this filing (EXHIBIT PAGES 119-122). Order for discovery materials. That order had not been complied with by the Commonwealth of Virginia for spoliation and omission of the body-camera footage recorded on September 21, 2018. That order had not been complied with by the Commonwealth of Virginia for spoliation and omission of blood vials, aka biological evidence obtained from Brian David Hill while at Sovah Hospital on September 21, 2018, while in the custody of Martinsville Police department before being charged with indecent exposure. Blood vials are biological human evidence, so it is considered Brady discovery materials and are relevant and material to September 21, 2018, and this such spoliation also violates this Court Order.

5. Evidence in the Court record attached thereto had proven that the Defendant had repeatedly asked for the police body-camera footage and made statements under Affidavit in the Federal Court and had sent written letters to Martinsville Police Department. All of those letters asked for the Police body-camera footage as was supposed to be to comply with the General District Court's order dated November 28, 2018. See **EXHIBITS 2 (EXHIBIT PAGES 4-27) AND 3 (EXHIBIT PAGES 28-29)**.
6. Scott Albrecht was too afraid to push for a contempt proceeding against Glen Andrew Hall, Esquire, for failing and refusing to turn over a copy of the Martinsville Police body-camera footage which is relevant non-subjective evidence dated September 21, 2018, and refused or failed to allow inspection or copying of this relevant non-subjective evidence to defense attorney Scott Albrecht. Defendant kept asking for this body-camera footage over and over again. His requests went unanswered and then the body-camera footage was later destroyed as Defendant found out from Attorney Matthew Clark that Martinsville Police Department had a body-camera footage evidence retention period before destroying the evidence. It doesn't matter about the evidence retention period, because the Court Order demanded that this Brady material be turned over to the Defendant and his counsel to have it inspected and make copies for the purpose of legal defense to the criminal prosecution's charge.
7. The Martinsville Police Department who originally had filed the complaint in this case, is and was represented by Glen Andrew Hall, Esquire, and the Martinsville Police Department is the client of the Commonwealth Attorney Glen Andrew Hall, Esquire. As the client, the client as well as its representative legal counsel has to comply with whatever Court Orders are entered at the direct of this Court. Defendant was charged

with Virginia Code § 18.2-387, Indecent Exposure, in the City of Martinsville. When a criminal charge or any litigation is pending, evidence is supposed to be retained and safeguarded until the litigation is concluded and all appeal or appeals exhausted.

8. Martinsville Police Department did retain the body-camera footage at the beginning of when it was recorded as was outlined in a public news article printout titled: “Body Cameras Proving Useful for Martinsville Police | WSET”. See **EXHIBIT 2** (EXHIBIT PAGES 4-27) AND **EXHIBIT 8** (EXHIBIT PAGES 123-126).
9. While the General District court can argue that they transferred the case to the Circuit Court of Martinsville. This order originally came from the General District Court of the city of Martinsville. The Circuit Court may or may not hold the legal counsel in contempt for violating a General District Court order. However Glen Andrew Hall, Esquire, did violate that General District Court Order and two Circuit Court Orders with all intents and purposes described in this Motion and its attachments/Exhibits herein. This Court still has the power from its inherit powers to push for a contempt charge or contempt proceeding against Glen Andrew Hall for not complying with the Court Order in **EXHIBIT 5** (EXHIBIT PAGES 112-114) and the other two Court Orders as exhibited herein in Exhibits 5, 6, and 7.
10. Since it was up to Attorney Scott Albrecht entirely to ensure the proper following of the Orders of this Court, Scott Albrecht should also be considered as an accomplice of the contempt behavior of the Commonwealth Attorney Glen Andrew Hall, Esquire, since he allowed such blatant violation of the General District Court’s (“GDC’s”) and this Court's Order for discovery.

Citation of Court Order (COPY OF COURT ORDER, **EXHIBIT 5, EXHIBIT PAGES**  
**112-114**):

It appearing to the Court that discovery pursuant to Rule 7C:5 should be granted to the Defendant, it is hereby ORDERED and DECREED that the Commonwealth's Attorney permit counsel for the Defendant to inspect and copy or photograph, within a reasonable time, before the preliminary hearing, the following:

(1) Any relevant written or recorded statements or confessions made by the Defendant, or copies thereof, or the substance of any oral statements or confessions made by the Defendant to any law enforcement officer, the existence of which is known to the attorney for the Commonwealth;

(2) [citation omitted]

(3) Any exculpatory information or evidence as set forth by Brady v. Maryland and its progeny that is known to the Commonwealth.

[Citations reformatted above. May have minor spelling issues as it was copied and pasted]

Citation of Court Order (COPY OF COURT ORDER, **EXHIBIT 6, EXHIBIT PAGES**  
**115-118**):

Came this day, the Defendant, Brian David Hill, by counsel, who moved, pursuant to

Rule 3A:11 of the Rules of Court, that the Commonwealth's Attorney be directed to permit the

Defendant discovery in this case, as set forth in the said Rule, and upon the motion of the

attorney of the Commonwealth requesting reciprocal discovery under the said Rule; and,

It appearing to the Court that discovery pursuant to Rule 3A:11(b) should be granted to

the Defendant, it is hereby ORDERED that the Commonwealth's Attorney permit counsel for the

Defendant to inspect and copy or photograph, within a reasonable time, before the trial or

sentencing, the following:

(1) Any relevant written or recorded statements or confessions made by the

Defendant, or copies thereof, or the substance of any oral statements or confessions made by the

Defendant to any law enforcement officer, the existence of which is known to the attorney for the

Commonwealth, any certificates of analysis pursuant to § 19.2-187, and any relevant written

reports of autopsies, ballistic tests, fingerprint analyses, handwriting analyses, blood, urine, and,

breath tests, other scientific reports, and written reports of a physical or mental examination of

the Defendant or the alleged victim made in connection with this particular case, or copies

thereof, that are known by the Commonwealth's Attorney to be within the possession, custody, or

control of the Commonwealth.

(2) Any exculpatory information or evidence under the guidelines established by

Brady v. Maryland, 373 U.S. 83 (1963), and subsequent case law, whether by way of statements,

real evidence, scientific analysis, or reports, known to or in the possession of the

Commonwealth

[Citations reformatted above. May have minor spelling issues as it was copied and pasted]

Citation of Court Order (COPY OF COURT ORDER, **EXHIBIT 7, EXHIBIT PAGES**  
**119-122**):

Came this day, the Defendant, Brian David Hill, by counsel,  
who moved, pursuant to

Rule 3A:11 of the Rules of Court, that the Commonwealth's  
Attorney be directed to permit the

Defendant discovery in this case, as set forth in the said Rule,  
and upon the motion of the

attorney of the Commonwealth requesting reciprocal discovery  
under the said Rule; and,

It appearing to the Court that discovery pursuant to Rule  
3A:11(b) should be granted to

the Defendant, it is hereby ORDERED that the Commonwealth's  
Attorney permit counsel for the

Defendant to inspect and copy or photograph, within a  
reasonable time, before the trial or

sentencing, the following:

(1) Any relevant written or recorded statements or confessions  
made by the

Defendant, or copies thereof, or the substance of any oral  
statements or confessions made by the

Defendant to any law enforcement officer, the existence of  
which is known to the attorney for the

Commonwealth, any certificates of analysis pursuant to § 19.2-  
187, and any relevant written

reports of autopsies, ballistic tests, fingerprint analyses,  
handwriting analyses, blood, urine, and

breath tests, other scientific reports, and written reports of a  
physical or mental examination of

the Defendant or the alleged victim made in connection with this  
particular case, or copies

thereof, that are known by the Commonwealth's Attorney to be  
within the possession, custody, or



control of the Commonwealth.

(2) Any exculpatory information or evidence under the guidelines established by

Brady v. Maryland, 373 U.S. 83 (1963), and subsequent case law, whether by way of statements,

real evidence, scientific analysis, or reports, known to or in the possession of the

Commonwealth

[Citations reformatted above. May have minor spelling issues as it was copied and pasted]

11. That order and possibly the other two Court Orders from the Circuit Court said: “Any relevant written or recorded statements or confessions made by the Defendant, or copies thereof, or the substance of any oral statements or confessions made by the Defendant to any law enforcement officer, the existence of which is known to the attorney for the Commonwealth”. They did know about it because any letters mailed to the Chief of Police or the Commonwealth Attorney are known to the Commonwealth Attorney. This was likely during the evidence retention period still in effect at that time for the Police body-camera footage. However the evidence retention period should not matter during a pending criminal litigation. Whether it be a civil litigation hold letter request or a criminal case proceeding, destruction of any evidence which is relevant and directly relevant or material to the prosecution of the case and to the defense of that said criminal prosecution is in direct violation of that Court Order or Court Courts. The multiple letters mailed by Brian David Hill on a pro se basis to the Martinsville Police Department and the letter mailed by Kenneth Ray Forinash and/or Stella Forinash who had mailed a typed copy of that same letter Brian had mailed multiple times to the Martinsville Police Department requesting that body-camera footage as it was supposed to have been turned over pursuant to the Court Order received by Glen Andrew Hall, Esquire, and ordered of Glen Andrew Hall, Esquire, an officer of the Court. Licensed to practice law in that Court,

licensed to practice law in the Commonwealth of Virginia. They knew as multiple letters were mailed, the Court had ordered such evidence to be turned over pursuant to Brady v. Maryland and Virginia Court Rules.

12. See the one Court Order from the General District Court (**Exhibit 5**) (EXHIBIT PAGES 112-114) and the two Court Orders from the Circuit Court requesting Discovery materials from the Commonwealth of Virginia (**Exhibit 6 (EXHIBIT PAGES 115-118), Exhibit 7 (EXHIBIT PAGES 119-122)**) which the Martinsville Police Department did not comply and thus legal counsel Glen Andrew Hall, Esquire for the Commonwealth of Virginia did not comply with all three of the Court Orders.
13. It is clear that the evidence being destroyed is a blatant non-compliance with the General District Court order dated November 28, 2018 and the Circuit Court orders dated February 6, 2019, and July 15, 2019. Refusing to comply with a Court Order when ordered to do such a thing, whatever the Order says, is usually considered “Contempt of Court” when somebody refuses to comply with such an order. It is also considered defrauding the Court when the destruction of such evidence led to the Guilty verdict against Brian David Hill. Had the evidence not been destroyed, Brian would have had a good chance at winning as evidence inside of the body-camera footage could have been used to point out various things favorable to Brian David Hill's legal innocence to his charge of Indecent Exposure under Virginia Code § 18.2-387. Legal defense to the charge, Legal Innocence, referring to the same matter.
14. All Courts and Judges have the exclusive Constitutional inherent and implied powers to enforce their Court Orders and handle their own affairs. Courts also have the right to overturn a case fueled by FRAUD. Courts also consider destruction of evidence to be defrauding the Court as it had deceived the Court since the Court is a fact finding venue,

a quest to find out the truth on whether a person actually committed a crime or not, a fact finding Judicial branch of Government. If evidence is destroyed, then they cannot have the integrity to conduct proper fact finding in a criminal or civil case. It distorts and tears at the Judicial Machinery. When a Court Orders evidence to be turned over to another party and instead that evidence is destroyed without a good reason, evidence they were supposed to have and turn over or allow a copy to be made or whatever the case may be, then this leads to the Court having no legal power to do anything. This deteriorates justice to the extent where nobody respects the Court and nobody is respecting its authority and not respect its officers when there is no punishment or sanction against a rebellious non-complying officer rebelling against a lawful order of the Court. An officer of the Court is under higher standards than pro se filers because they swore an oath, that they will conduct their lawful duties and follow the laws including rules of the Court as well as the Bar rules of Professional Conduct for licensed attorneys. They have ethical duties as required by the State Bar. They have a higher standard of care regarding their conduct.

15. The City of Martinsville and its Martinsville Police department had destroyed the body-camera footage which is technically termed as: Spoliation. Spoliation is defined as the destruction or a significant or meaningful alteration of evidence.
16. The legal remedy for spoliation is sanctions against the spoliator which may range from exclusion of evidence up to dismissal of a case, or acquittal of the Defendant or a favorable decision of the victim party who is a victim from such spoliation of evidence. In determining the appropriate sanction, the trial court is required to consider:
  1. Whether the opposing party suffers prejudice as a result of the destruction of evidence;

2. Whether the prejudice can be cured;
3. The practical importance of the evidence;
4. Whether the spoliator acted in good or bad faith; and
5. The potential for abuse if the evidence was not excluded.

17. As to the first element: The opposing party Defendant Brian David Hill would suffer prejudice because the Court specifically ordered “Any relevant written or recorded statements or confessions made by the Defendant”. The Court demanded this specific evidence from the Commonwealth Attorney regarding the law enforcement officer involved with the Defendant, and they did not comply, they did not comply at all. So this satisfies the first ground. Because the evidence is destroyed and irretrievable, certain specific things in the body-camera footage can never be used to prove Brian David Hill innocent of his charge of indecent exposure. Proof such as discolored lips of suspect: Brian David Hill which would have warranted that Brian David Hill was under some kind of substance, narcotic, or gas that had affected the mental and physical well being of Brian David Hill. The body-camera footage would have contradicted the Affidavit of Sergeant Robert Jones in his original CRIMINAL COMPLAINT with his claim by the affiant that Brian was psychologically and medically cleared. The footage may also have shown Brian's behavior acting a weird or certain abnormal way under certain conditions where a behavioral or psychological expert can disagree with Brian being psychologically and medically cleared which threatens and contradicts the successful prosecution and conviction of Brian David Hill had any expert in mental behavior saw the body-camera footage. They would disagree and would feel that something was wrong with Brian but that would destroy the prosecution's narrative against the Defendant. The body-camera footage would have shown the discolored lips and one such cause of

discolored lips would be that of “CARBON MONOXIDE POISONING”. It would not be strange that the Defendant who only at one time was caught naked at night on a walking trail may be the victim or subject of CARBON MONOXIDE GAS POISONING. Even Scott Albrecht did not know about this at the time because nobody knew until 2019. It was too late to use that evidence after the General District Court of December 21, 2018, however the Police body-camera footage would have shown the discolored lips and maybe it would have shown other weird abnormal behaviors of Defendant Brian which would correlate it with symptoms of CARBON MONOXIDE POISONING. The body-camera footage is non-subjective evidence. The mouth and face would have been visible. If the Commonwealth Attorney had known or suspected that Brian was under a narcotic, substance, or gas at the time of his indecent exposure, then this adds credibility to his claims of a man wearing a hoodie threatening Brian to get naked, as drugs could play a role if somebody could have drugged Brian up to make him non-coherent. Coherent means logical and consistent. When drugged up by anybody at night where crime can be more prevalent because of the limited law enforcement presence at night, anybody could have drugged Brian David Hill with a narcotic or substance or gas. That would explain greatly why Brian behaved oddly, never engaged in indecent exposure prior to the alleged charge, and then does so under weird circumstances. This is not a normal indecent exposure case given Brian's written statements, saying that he think he was drugged and told his family that he blackouts in 2018 prior to receiving the knowledge in 2019 that gas was leaking from the fireplace in his Apartment for months and months, who knows how long the gas had been leaking into Brian's Apartment. The body-camera footage would have further proven Brian's claims of being drugged or subject to CARBON MONOXIDE POISONING. Under a weird odorless substance like that, worse than a narcotic and can cause any irrational behaviors not normally exhibited. Can even cause memory loss. Even the Martinsville Fire Department could have been subpoenaed to testify at the General district Court and could have been Court Ordered to examine

Brian's Apartment located at 310 Forest Street, Apartment 2, Martinsville, Virginia in 2018 and they would have found overwhelming evidence of CARBON MONOXIDE GAS POISONING at the very residence Brian David Hill was living in prior to his indecent exposure incident. The body-camera footage would have led to an investigation by the Fire Department or mandated to drug test Brian Hill and test his blood, saliva, and urine for any signs of narcotics or substances. If they had found the evidence of CARBON MONOXIDE POISONING or any injected drugs in Brian's system, then the Defendant did not intentionally engage in any behavior which could have been considered as violating Virginia Code § 18.2-387, Indecent Exposure, in the City of Martinsville. The destruction of the evidence means that it cannot be cured, as the evidence which would have proven Defendant innocent of his charge off the bat, it is gone forever and at the fault of Martinsville Police Department. This explanation also justifies "The practical importance of the evidence". It was clearly covered up on purpose to prevent the Court from ever learning the truth about Brian's intentions regarding what had happened on the night of September 21, 2018 on the Dick and Willie walking trail. This is a FRAUD ON THE COURT and Glen Andrew Hall knew that he had deceived the Court by permitting the destruction of evidence which contradicts the Court Order he was supposed to follow. He did not comply with the Court. That is CONTEMPT OF COURT. The last factor is "The potential for abuse if the evidence was not excluded." There is a way this cannot be abused, because a copy can be made of any original video recording or audio recording. All lawyers nowadays have access to a computer, whether Desktop or Laptop. They can easily make a copy of a video recording which was recorded by law enforcement. The Commonwealth Attorney could have easily added stipulations to protect the privacy of Brian David Hill and yet allow the legal counsel to inspect the footage or even allow expert witnesses to review over the body-camera footage including the GDC Court Ordered psychological evaluation and make a determination how it may come to his defense. If carbon monoxide caused temporary

insanity then the Court can easily order this to be turned over to a Mental Hospital with the Carbon Monoxide evidence and then they would have released the Defendant once they have documented that the Carbon Monoxide is out of Brian's system and thus Brian cannot repeat the conduct because sanity would be restored after the Carbon Monoxide Poisoning had left his system and verify that his home had corrected the issue concerning the Carbon Monoxide. There is one concern that the body-camera footage is usually disclosed in the media and the defense counsel can easily ask that it not be kept confidential under strict confidentiality so that it cannot be given to any media as a stipulation to protect Brian David Hill's privacy in the case. The stipulations could have easily been asked of the Court and the Commonwealth Attorney had failed to do so. So this is not a matter of whether it could have been abused or not, they could have reasonably asked the Court for stipulations to protect this evidence from being abused, no trouble at all. The Commonwealth did not want this footage to ever come out in a Court of Law. This is known as a "cover up".

18. Evidence is usually covered up for a nefarious purpose. Innocent men do not cover their tracks. The Police had covered up evidence. Defendant voluntarily gave them permission to look at his camera, Brian David Hill covered up no evidence at all even at the risk of forfeiting his right to remain silent under Miranda rights. However, the Commonwealth Attorney covered up plenty of evidence, even more than the body-camera footage. The fourth ground of "Whether the spoliator acted in good or bad faith" and it is obvious that Glen Andrew Hall had acted in bad faith. It is clear that this spoliated/destroyed evidence could have been used to help clear Brian Hill's name from this horrible charge. They never explained why the body-camera footage should have been destroyed, the Court had ordered that the evidence be turned over and this action violates that Court Order, it is a contemptible offense. It isn't just potential evidence that was destroyed that may have

fallen through the cracks of the discovery order, the very evidence was DESCRIBED in the DISCOVERY ORDER. The order described the body-camera footage and the evidence matches the description given by the Court Order. It is not a good idea for an officer of the Court to defy a Court order. In fact he defied two Court Orders in the Circuit Court after the case was appealed. So he defied three Court Orders by refusing to turn over that evidence to inspection by the defense counsel and then destroyed the body-camera footage. All elements are met.

19. The case is getting so old, it has been dragged out because the Commonwealth Attorney Glen Andrew Hall had put up such a valiant resistance against Brian David Hill every step of the way, and he is one of the worst attorneys Brian had ever been prosecuted by besides Assistant U.S. Attorney Anand Prakash Ramaswamy who also destroyed evidence in his Federal Case. This attorney does not want Brian to have any relief or remedy. Many attorneys including private attorneys are scared of Glen Andrew Hall because of how dirty he conducts his business. Brian David Hill had met with 3 or 4 private attorneys in 2019 for free consultation (as Brian could have had his family operate an online legal fund to help get him a better lawyer) and all of them seem reluctant to fight to prove Brian's innocence without even examining the entire case. Pretty much all of them said they rather Brian withdraw his appeal without even looking at all of the records, without determining the witnesses and evidence. Even Attorney McPheeters was afraid as well. They acted like they were afraid to take on this attorney and tried to find excuses not to fight against him, like there is something going on behind the scenes, some fear that they do not want to cross this horrible lawyer. The attorneys were just afraid to fight against this Commonwealth Attorney. This made things more difficult for Brian David Hill to seek any justice. Nobody wants to push for a contempt proceeding against Glen Andrew Hall despite Brian's repeated requests over and over



again in January and/or February 2019 for the body-camera footage. Brian kept asking for it over and over again, yet nothing ever panned out.

20. There was also a situation where the Martinsville Police were with Brian at Sovah Hospital in Martinsville, Virginia on September 21, 2018 while Brian had suffered multiple high resting blood pulse readings over the level of 100 which are normally a sign of a serious heart issue or health concern. Sinus Tachycardia. Brian had blood drawn and multiple vials of his blood. Those blood vials disappeared after Brian was arrested while Brian assumed that the lab-work was conducted and Brian told Scott Albrecht about the blood vials when he was interviewed about his side of the story, that Brian Hill felt he was drugged with a narcotic or substance. However, Scott Albrecht refused to investigate the laboratory tests. By the time in 2019 that Brian was out of Jail and attempted to get access to his medical records from that night, there was no laboratory results and the blood vials aka biological evidence was destroyed without a valid explanation. Another cover up of good evidence. This evidence was also EXCULPATORY because it was drawn out of Brian at the Hospital after he was found naked at the Dick and Willie walking trail at night, after Brian was handcuffed, he was taken by ambulance to the Hospital with the Police with him. Officer Robert Jones was with Brian the entire time he was in a Hospital bed, when the blood vials were drawn. He even admitted under Oath in Federal Court on September 12, 2019, that he also assumed that the laboratory tests were done and said that they would normally be done but he never got access to Brian's medical records. Little did he know that the laboratory work ordered as COVERED UP, deleted from the chart without explanation? He lied and claimed that Brian was psychologically and medically cleared. He didn't even read Brian's medical records as admitted in Federal Court Transcript under **Exhibit 4**. He was asked by a Federal licensed Attorney Renorda Pryor if Officer Robert Jones knew that

Brian was diabetic, he said “no”. He was asked Officer Robert Jones if he knew that Brian had Obsessive Compulsive Disorder (OCD) and the officer seemed clueless. The officer was either part of the cover up or he was misled and the vials were destroyed. Either way, Officer Robert Jones screwed up charging Brian quickly but yet the Commonwealth Attorney did not even attempt to find or demand retention of these blood vials. In fact he rather they be destroyed as it may make things complicated for the simple indecent exposure misdemeanor charge. He rather Brian just be found guilty and keep fighting Brian for the rest of his life if Brian kept resisting through the Legal System. That way Glen Andrew Hall can take part in compelling Brian David Hill to pay legal fees out of his judgment proof SSI disability money, to commit an unlawful act of demanding federally protected money which is extortion and racketeering through the legal system, his little racketeering operation where he can charge Brian tens of thousands of dollars in legal fees the longer he fights this, he can keep punishing Brian over and over again until he is pushed into suicide then they can take his SSI money like a good RICO-statute violating criminal cartel or criminal enterprise corrupt racketeering scheme or something. It seems like this is like a racketeering operation through the criminal justice system and he can make as much money as he wants while destroying any evidence favorable to the defendants he persecutes. He knows a majority cannot afford good lawyers and they are screwed. It isn't constitutional to financially put somebody in debt over simply fighting for their Constitutional rights, it impedes a poor person's right to fight for Constitutional rights under the Due Process Clause.

21. It is quite clear that with the destruction of both the body-camera footage and the biological evidence both at the allowance of the Corrupt Commonwealth Attorney Glen Andrew Hall, that he will never present a fair and just prosecution. He had destroyed any and all evidence favorable to the ACTUAL INNOCENCE of Brian David Hill to the

charge of Virginia Code § 18.2-387, Indecent Exposure, in the City of Martinsville. Mr. Hall did this knowingly and intelligently.

22. It is quite clear that the General District Court or the Circuit Court should move to sanction Glen Andrew Hall, Esquire for contempt of court, as well as Scott Albrecht for refusing to enforce that Court Order and Scott Albrecht seemed like he didn't fight for retrieving the body-camera footage in writing and then inform the Court of such non-compliance with the Court Order. Scott Albrecht had colluded with the Commonwealth Attorney in not enforcing the Court Order and allowed the evidence to be destroyed on purpose. Both of them are guilty of allowing evidence to be destroyed that would benefit the Defendant in proving his innocence. Anything Brian writes on a pro se basis and mailed to the Police Department and/or the Commonwealth Attorney is usually forwarded to his court appointed attorney. Scott Albrecht knew that the Court Order was being violated, over and over again with Brian's multiple letters. Scott Albrecht knew that there was the existence of the body-camera footage and purposefully let the Commonwealth of Virginia destroy this footage knowing that it may have repercussions on both parties but the discolored lips is favorable to Brian David Hill. It would have proven that the Hospital had neglected to find out why Brian David Hill was not medically cleared and something was wrong with his mind and body at the time. Defendant and his entire family believes with enough cumulative evidence that it was prolonged exposure to CARBON MONOXIDE GAS POISONING in Brian's apartment in 2018. Pete Compton is a witness to that, which is at least one expert witness and one reasonable doubt necessary to have found Brian not guilty of his charge. Gas or drugs can do funny things to people's brains. As Brian is NOT a drug user, never has been, anybody could have given Brian a drug while out there at night on the Dick and Willie trail, even the road areas he took to walk there at night without letting his mother know, anybody

could have offered a drug or drugged him and made him have the very issues which led up to his arrest but not make him culpable to the charge as he was not responsible for what had happened. Carbon monoxide poisoning is a very serious mind twisting odorless gas and can make somebody do erratic or crazy things very easily. CO gas can make somebody hallucinate and have a psychosis.

### **EXHIBITS LIST**

<b>EXHIBIT #</b>	<b>PAGE #</b>	<b>DESCRIPTION</b>
EXHIBIT 1	1-3	DISABLED PARKING PLACARDS OR LICENSE PLATES APPLICATION
EXHIBIT 2	4-27	Copy of pro se motion for discovery with proof that Police Chief G. E. Cassady was mailed letters requesting police body-camera footage
EXHIBIT 3	28-29	One page excerpt of Document #163, Filed 12/12/18, Page 4 of 6, one page of Federal Court Affidavit/Declaration or written filing, Document #163. Case #1:13-cr-435-1.
EXHIBIT 4	30-111	FEDERAL COURT TRANSCRIPT of Supervised Release Violating hearing regarding the criminal charge of September 21, 2018, in General District Court. Officer Robert Jones of Martinsville Police Department had testified and thus is relevant to this MOTION.
EXHIBIT 5	112-114	COURT ORDER – GENERAL DISTRICT COURT

EXHIBIT 6	115-118	COURT ORDER – CIRCUIT COURT
EXHIBIT 7	119-122	COURT ORDER – CIRCUIT COURT
EXHIBIT 8	123-126	Article: Body Cameras Proving Useful for Martinsville Police; Wednesday, May 1st 2013; WSET/ABC13 NEWS
EXHIBIT 9	127-130	Interview and Interrogation of people with autism (including Asperger syndrome) By Dennis Debbaudt - EXPERT WITNESS
EXHIBIT 10	131-137	“DIVISION FOR TREATMENT AND EDUCATION OF AUTISTIC AND RELATED COMMUNICATION HANDICAPPED CHILDREN, Department of Psychiatry, University of North Carolina, DIAGNOSTIC EVALUATION”
EXHIBIT 11	138-139	Letter from “Dr. Shyam E. Balakrishnan, MD”.
EXHIBIT 12	140-146	PSYCHIATRIC EVALUATION from Dr. Conrad Daum in October, 2018
EXHIBIT 13	147-152	Information about Dr. Conrad Daum being a certified Forensic Psychiatrist
EXHIBIT 14	153-164	Case 1:13-cr-00435-TDS, Document #153, Filed 10/17/18, Pages 1 through 11; DECLARATION/AFFIDAVIT OF BRIAN DAVID HILL regarding what happened on September 21, 2018

It is clear that Glen Andrew Hall did not comply and former Attorney Scott Albrecht did not attempt to enforce the (#1) General District Court Order on November 28, 2018; (#2) Circuit Court Order on February 6, 2019, and (#3) Circuit Court Order on July 15, 2019. Glen Andrew Hall and Martinsville Police Department (client of the Commonwealth of Virginia who represents the Local Law Enforcement) did not comply with the **EXHIBIT 5 (EXHIBIT PAGES 112-114), EXHIBIT 6 (EXHIBIT PAGES 115-118), AND EXHIBIT 7 (EXHIBIT PAGES 119-122)** Court Orders dated November 28, 2018, February 6, 2019, and July 15, 2019. Defendant requests that this Court hold Glen Andrew Hall, Esquire in CONTEMPT and maybe even hold CONTEMPT PROCEEDINGS against him for spoliation of evidence requested from the Orders for Discovery Materials and allow further evidence to be shown and developed regarding such spoliation. Defendant is ready for showing the evidence of written correspondence and certified mail ever mailed, it is long overdue. Defendant is ready to demonstrate that Glen Andrew Hall should be held in contempt of court and recommendations to the Virginia State Bar for him to be disbarred from practice of law. Scott Albrecht was Brian David Hill's court appointed legal counsel all of the way until the body-camera footage was destroyed. So he was completely responsible for not enforcing those Court Orders ordered by the Court, and thus he is also presumed to be an accomplice to this spoliation of evidence, not Lauren McGarry and not Matthew Clark but Scott Albrecht who misled Brian David Hill and betrayed him and that was why Brian lost in General District Court. So both should be possibly sanctioned by this Court for wasting all of this time, wasting a lot of resources, causing all of these problems which cannot be undone. Degrading Brian's mental health, and deteriorating his mental and physical health.

Brian David Hill is innocent and should be adjudged Innocent from the STATEMENT OF FACTS proving that Brian David Hill had Autism Spectrum Disorder, Psychosis, and Obsessive Compulsive disorder at the time or around the time of his arrest on

September 21, 2018, and is relevant and/or material to the criminal charge against the Defendant.

Brian David Hill is innocent and should be adjudged Innocent from the STATEMENT OF FACTS showing that there was spoliation of evidence in violation of three Court Orders. One from the General District Court and the other two by the Circuit Court. Spoliation of evidence is proof that the case in chief by the Commonwealth of Virginia is a weak or unfounded one, that to his consciousness he rather win his case by any means necessary rather than play by the rules. He rather win than play fair. He should lose his case in chief for the destruction of evidence. Defendant has been up front and even if sometimes ranting or giving his opinion to the Commonwealth Attorney, he was upfront and honest about what had happened on September 21, 2018. He did the best he could to try to get the truth to be in the light in his criminal case. The Commonwealth Attorney Glen Andrew Hall made grave errors in the General District Court and Circuit Court. Spoliation of evidence including blood vials which is biological human evidence, it should be favorable to Brian David Hill the Defendant in this case, as further FACT of his ACTUAL INNOCENCE. Innocent men and women don't destroy evidence. That is a fact. Glen Andrew Hall and Martinsville Police Department both ignored Brian's letters asking Police Chief G. E. Cassady for the body-camera footage. It doesn't matter that they can ignore his pro se letters because Brian had an appointed lawyer. It doesn't matter because the COURT ORDERED the evidence and things like the body-camera footage or videos to be disclosed to the defense counsel. So they have violated the Court Orders, they cannot make the excuse that ignoring Brian Hill's letters to the Police Chief asking for the body-camera footage was rightful due to him having a lawyer when the Courts have ordered such evidence be retained or turned over to the defense lawyer or defense team. Therefore, Glen Andrew Hall has knowingly destroyed evidence and refused to turn over the body-camera footage as requested in Brian's letters to the Police Chief and as asked by Court Orders. Again, See **Exhibits 2 and 3**.

Therefore, the Defendant prays that this Honorable Court order the following:

1. That the Circuit Court declare or make a factual finding (after an evidentiary hearing) that Glen Andrew Hall, Esquire were in Contempt of Court for spoliation of evidence and refusal to turn over evidence to Defendant or his Legal Counsel as to the Court Orders dated November 28, 2018, February 6, 2019, and July 15, 2019;
2. That the Circuit Court consider a sanction or sanctions against Glen Andrew Hall by entering Judgment of Acquittal and acquitting Brian David Hill of his original charge of Indecent Exposure under Virginia Code § 18.2-387 for the prosecution's violation of the multiple Court Orders destroying evidence which would have led to the automatic acquittal of Brian David Hill whether in Martinsville's General District Court or in Trial De Novo in the Circuit Court for the City of Martinsville;
3. That the Circuit Court consider vacatur of the wrongful conviction dated November 18, 2019, and consider dismissing this case against Brian David Hill with prejudice as the damage of spoliation can never be undone and thus these permanent evidence destruction issues only warrant case dismissal with prejudice for good with any and all charge(s) dropped;
4. That the Circuit Court consider the newly admissible evidence of Brian David Hill's diagnoses of Autism Spectrum Disorder, Psychosis, and Obsessive Compulsive Disorder in regards to the INTENT element of the charge against Defendant to further consider that Brian David Hill is innocent of his charge which was filed on September 21, 2018;
5. That the Circuit Court consider filing a declaration or judgment of the Innocence of Brian David Hill or file an order of Judgment of Acquittal of Brian David Hill, whichever is proper;



6. That the Circuit Court waive and discharge any and all pending legal fees ever taxed or ordered against Defendant if the Circuit Court had determined that Defendant is innocent and thus should not be held to pay any fees or fines or any protected SSI disability money since Defendant is innocent;
7. That the Circuit Court waive and discharge any and all pending legal fees ever owed by the Defendant pursuant to all legal matters and cases that had begun from the original charge and prosecution on September 21, 2018, if the Circuit Court had determined that Defendant is innocent and thus should not be held to pay any fees or fines or any protected SSI disability money since Defendant is innocent;
8. That the Circuit Court consider providing any other relief or remedy that is just and proper, in the proper administration of justice and integrity for the Court.

Respectfully submitted with the Court, This  
the 20th day of January, 2022.

  
*Signed*

Brian D. Hill

Brian D. Hill

Defendant

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

(276) 790-3505



JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com



**CERTIFICATE OF SERVICE, CERTIFICATE OF FILING**

Page **43** of **45**

I hereby certify that a true and accurate copy of the foregoing Motion was faxed or emailed/transmitted by my Assistant Roberta Hill at [rbhill67@comcast.net](mailto:rbhill67@comcast.net) (due to Probation Conditions of not being allowed to use the Internet) or delivered this 20th day of January, 2021, to the following parties:

1. Commonwealth of Virginia
2. City of Martinsville

by having representative Roberta Hill filing his pleading on his behalf with the Court, through email address [rbhill67@comcast.net](mailto:rbhill67@comcast.net), transmit/faxed a copy of this pleading to the following attorneys who represent the above parties to the case:

Glen Andrew Hall, Esq. Commonwealth Attorney's Office for the City of Martinsville 55 West Church Street P.O. Box 1311 Martinsville, Virginia 24114/24112 Attorney for the Commonwealth Phone: (276) 403-5470 Fax: (276) 403-5478 Email: <a href="mailto:ahall@ci.martinsville.va.us">ahall@ci.martinsville.va.us</a>	Hon. Ashby R. Pritchett, Clerk of the Court Circuit Court for the City of Martinsville Phone: 276-403-5106 Fax: 276-403-5232 55 West Church Street, Room 205 P.O. Box 1206 Martinsville, VA 24114 Email: <a href="mailto:apritchett@vacourts.gov">apritchett@vacourts.gov</a>
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The reason why Brian David Hill must use such a representative to serve such pleading with the Clerk on his behalf is because Brian is currently still under the conditions of Supervised Release for the U.S. District Court barring internet usage without permission. Brian's Probation Officer is aware of Roberta Hill using her email for conducting court business concerning Brian Hill or court business with the Probation

Office in regards to Brian David Hill. Therefore Roberta Hill is filing the pleading on Brian's behalf for official court business. Brian has authorized her to file the pleading. All exhibits or any exhibits with anything printed from any internet based service was printed and researched by Roberta Hill.

That should satisfy the Certificate of Service regarding letters/pleadings during the ongoing Covid-19 pandemic. If the Court wishes to contact the filer over any issues or concerns, please feel free to contact the filer Brian David Hill directly by telephone or by mailing. They can also contact c / o Roberta Hill at [rbhill67@comcast.net](mailto:rbhill67@comcast.net) and request that she forward the message and any documents or attachments to Brian David Hill to view offline for his review.

  
Signed

Brian D. Hill

Brian D. Hill

Defendant

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

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**U.S.W.G.O.**



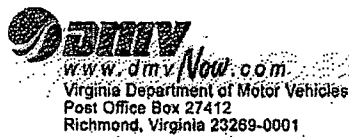
**EXHIBIT 1**  
**for**  
EVIDENCE FOR  
MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL  
BASED UPON NEW EVIDENCE WHICH COULD NOT BE  
ADMISSIBLE AT THE TIME OF CONVICTION; NEW  
EVIDENCE OF SPOILIATION OF EVIDENCE COMMITTED BY  
COMMONWEALTH OF VIRGINIA; REQUEST FOR  
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,  
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING  
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA  
FOOTAGE AND IT IS LIKELY DESTROYED AND  
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON  
DAY OF CHARGE, ALSO LIKELY DESTROYED

Commonwealth of Virginia, City of Martinsville v. Brian David Hill  
CASE NO: CR19000009-00

Friday, February 11, 2022



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# DISABLED PARKING PLACARDS OR LICENSE PLATES APPLICATION

MED 10 (02/17/2011)

**Purpose:** Use this form to apply for a disabled parking placard or disabled parking license plates.

**Instructions:** Submit to any Customer Service Center, DMV Select or mail to DMV, Data Integrity, P.O. Box 85815, Richmond, VA 23285-5815.

- For a parking placard, submit this form with a \$5.00 check or money order payable to DMV. Placard will be mailed to you in approximately 15 days. Only one placard may be issued to a customer.
- For disabled parking license plates, submit this form, a License Plate Application (VSA 10) and applicable fees.

DISABLED PARKING PLACARD ONLY (Disabled parking placard hangs from the rearview mirror.)			
CHECK ONE			
PERMANENT (5 years)	PERMANENT REPLACEMENT (5 years)	TEMPORARY (up to 6 months)	TEMPORARY REPLACEMENT
<input checked="" type="checkbox"/> Original (medical professional certification required)	<input type="checkbox"/> Lost	<input type="checkbox"/> Stolen	<input type="checkbox"/> Original
<input type="checkbox"/> Renewal (No medical professional certification required.)	<input type="checkbox"/> Destroyed	<input type="checkbox"/> Mutilated	<input type="checkbox"/> Lost
	<input type="checkbox"/> Reissue		<input type="checkbox"/> Stolen
			<input type="checkbox"/> Destroyed
			<input type="checkbox"/> Mutilated
			<input type="checkbox"/> Reissue

DISABLED PARKING (HP) LICENSE PLATES ONLY			
ORIGINAL PLATES	DUPLICATE	REISSUE	
<input type="checkbox"/> Complete and submit form VSA 10	<input type="checkbox"/> Lost	<input type="checkbox"/> Unreadable (License plate letters or numbers unclear)	<input type="checkbox"/> Check this box if this vehicle is specifically equipped and used for transporting groups of physically disabled persons.
	<input type="checkbox"/> Destroyed	<input type="checkbox"/> Never received license plates	

VEHICLE IDENTIFICATION NUMBER (VIN)	TITLE NUMBER
-------------------------------------	--------------

☐ I am the vehicle owner and the parent/legal guardian of a disabled dependent(s). List the name of each disabled person below.

APPLICANT INFORMATION					
FULL LEGAL NAME (last)	(first)	(middle)	(suffix)	DMV ASSIGNED NUMBER OR SOCIAL SECURITY NUMBER	
HILL	BRIAN	DAVID		[REDACTED]	
CURRENT RESIDENCE ADDRESS	<input checked="" type="checkbox"/> Check here if this is a new address.		CITY	STATE	ZIP CODE
310 Forest St., Apt. 2			Martinsville	VA	24112
CITY OR COUNTY OF RESIDENCE			DAYTIME TELEPHONE NUMBER OR CELL PHONE NUMBER		
Martinsville			276-790-3505		
MAILING ADDRESS (if different from above)	CITY	STATE	ZIP CODE		
BIRTH DATE (mm/dd/yyyy)	GENDER	HAIR COLOR	EYE COLOR	HEIGHT	WEIGHT
	<input type="checkbox"/> MALE <input type="checkbox"/> FEMALE			FT IN	LBS

APPLICANT CERTIFICATION	
<p>I understand that misuse, counterfeiting, or alteration of disabled placards may result in fines up to \$1000. and up to 6 months in jail and/or revocation of disabled parking privileges. I certify that I have a (check one): <input type="checkbox"/> Temporary <input checked="" type="checkbox"/> Permanent disability that limits or impairs my ability to walk or creates a safety concern while walking.</p> <p>I also understand that the disabled parking placard or plates issued to me cannot be loaned to anyone, including family members or friends, to benefit a person other than myself.</p> <p>I further certify and affirm that all information presented in this form is true and correct, that any documents I have presented to DMV are genuine, and that the information included in all supporting documentation is true and accurate. I make this certification and affirmation under penalty of perjury and I understand that knowingly making a false statement or representation on this form is a criminal violation.</p>	
APPLICANT SIGNATURE	DATE (mm/dd/yyyy)
Brian D. Hill Signed	08/18/2016



**LICENSED PHYSICIAN/PHYSICIAN ASSISTANT/NURSE PRACTITIONER MEDICAL CERTIFICATION**

(This section does not have to be completed to renew permanent placards.)

☒ Permanently limited or impaired. A permanent disability as it relates to disabled parking privileges shall mean: a condition that limits or impairs movement from one place to another or the ability to walk as defined in Virginia Code §46.2-1240, and that has reached the maximum level of improvement and is not expected to change even with additional treatment.

☐ Temporarily limited or impaired beginning in the month of \_\_\_\_\_ and ending in the month of \_\_\_\_\_ (not to exceed 6 months).

Reason this patient's ability to walk is limited or impaired or creates a safety condition while walking. (check below)

☐ Cannot walk 200 feet without stopping to rest.☐ Uses portable oxygen.☐ Cannot walk without the use of or assistance from any of the following: another person, brace, cane, crutch, prosthetic device, wheelchair, or other assistive device.☐ Has a cardiac condition to the extent that functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association.☐ Is restricted by lung disease to such an extent that forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than 60 millimeters of mercury on room air at rest.☐ Is severely limited in ability to walk due to an arthritic, neurological, or orthopedic condition.☒ Has been diagnosed with a mental or developmental amnesia or delay that impairs judgment including, but not limited to, an autism spectrum disorder.☐ Has been diagnosed with Alzheimer's disease or another form of dementia.☐ Is legally blind or deaf.☐ Other condition that limits or impairs the ability to walk. Specific condition description must be specified below.

I certify and affirm that the described applicant is my patient, whose ability to walk, based on my examination, is limited or impaired or creates a safety concern while walking as described above.

I further certify and affirm that to the best of my knowledge and belief, all information I have presented in this form is true and correct, that any documents I have presented to DMV are genuine, and that the information included in all supporting documentation is true and accurate. I make this certification and affirmation under penalty of perjury and I understand that knowingly making a false statement or representation on this form is a criminal violation.

MEDICAL PROFESSIONAL NAME

SHYAM BALAKRISHNAN

OFFICE TELEPHONE NUMBER

(276) 870 3300

OFFICE FAX NUMBER

(276) 634-0362

LICENSE TYPE

MD

LICENSE NUMBER (required)

[REDACTED]

STATE ISSUING LICENSE (required)

VA

LICENSE EXPIRATION DATE (mm/dd/yyyy) (required)

[REDACTED]

MEDICAL PROFESSIONAL SIGNATURE

[REDACTED]

DATE (mm/dd/yyyy)

8/31/16

**LICENSED CHIROPRACTOR OR PODIATRIST MEDICAL CERTIFICATION**

(This section does not have to be completed to renew permanent placards.)

☐ Permanently limited or impaired. A permanent disability as it relates to disabled parking privileges shall mean: a condition that limits or impairs movement from one place to another or the ability to walk as defined in Virginia Code §46.2-1240, and that has reached the maximum level of improvement and is not expected to change even with additional treatment.

☐ Temporarily limited or impaired beginning in the month of \_\_\_\_\_ and ending in the month of \_\_\_\_\_ (not to exceed 6 months).

Reason this patient's ability to walk is limited or impaired or creates a safety condition while walking. (Checked below)

☐ Cannot walk 200 feet without stopping to rest.☐ Cannot walk without the use of or assistance from any of the following: another person, brace, cane, crutch, prosthetic device, wheelchair, or other assistive device.☐ Is severely limited in ability to walk due to an arthritic, neurological or orthopedic condition.☐ Other condition that limits or impairs the ability to walk. Specific condition description must be specified below.

I certify and affirm that the described applicant is my patient, whose ability to walk, based on my examination, is limited or impaired or creates a safety concern while walking as described above.

I further certify and affirm that to the best of my knowledge and belief, all information I have presented in this form is true and correct, that any documents I have presented to DMV are genuine, and that the information included in all supporting documentation is true and accurate. I make this certification and affirmation under penalty of perjury and I understand that knowingly making a false statement or representation on this form is a criminal violation.

MEDICAL PROFESSIONAL NAME

OFFICE TELEPHONE NUMBER

( )

OFFICE FAX NUMBER

( )

LICENSE TYPE

LICENSE NUMBER (required)

STATE ISSUING LICENSE (required)

LICENSE EXPIRATION DATE (mm/dd/yyyy) (required)

MEDICAL PROFESSIONAL SIGNATURE

DATE (mm/dd/yyyy)

**DMV USE ONLY**

PLATE/PLACARD NUMBER

PLACARD EXPIRATION DATE (mm/dd/yyyy)

EMPLOYEE STAMP

CUSTOMER CREDIT CARD NUMBER

CREDIT CARD EXPIRATION DATE (mm/yyyy) FEE COLLECTED

# **EXHIBIT 2**

**for**

**EVIDENCE FOR**

**MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL  
BASED UPON NEW EVIDENCE WHICH COULD NOT BE  
ADMISSIBLE AT THE TIME OF CONVICTION; NEW  
EVIDENCE OF SPOILIATION OF EVIDENCE COMMITTED BY  
COMMONWEALTH OF VIRGINIA; REQUEST FOR  
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,  
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING  
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA  
FOOTAGE AND IT IS LIKELY DESTROYED AND  
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON  
DAY OF CHARGE, ALSO LIKELY DESTROYED**

**Commonwealth of Virginia, City of Martinsville v. Brian David Hill  
CASE NO: CR19000009-00**

**Friday, February 11, 2022**



**JUSTICEFORUSWGO.WORDPRESS.COM**

**VIRGINIA:**  
**IN THE CIRCUIT COURT OF THE CITY OF MARTINSVILLE**

COMMONWEALTH OF VIRGINIA,

Plaintiff,

V.

BRIAN DAVID HILL

Defendant,

Criminal Action No. CR19000009-00

## Motion for Discovery

## Motion for Discovery

Pursuant to Rule 4:1 of the Virginia Rules of the Supreme Court and U.S. Supreme Court decision of *Brady v. Maryland*, 373 U.S. 83 S. Ct. 1194; 10 L. Ed. 2d 215; 1963, criminal Defendant Brian David Hill (“Brian”, “Hill”) would like to request that the Commonwealth Attorney (“CA”) be compelled to provide discovery materials to Defense counsel which are both material and relevant to the case. That is for the jury trial for the charge of “indecent exposure” as defined in Virginia Code § 18.2-387. The jury trial is scheduled for August 30, 2019, unless the court considers changing the date for any reason including but not limited to expert witnesses and a mental evaluation to determine sanity at the time of the offense.

Hill and/or his family have attempted to contact Martinsville Police Department (“CC: Commonwealth Attorney”) through written multiple correspondences asking for the body camera footage of Officer Sgt. R. D. Jones, by Hill writing the Martinsville Chief of Police G. E. Cassady asking for the body-camera footage to be turned over to



Brian's defense counsel (*Note: Attorney Scott Albrecht, at the time*) as pertinent to Virginia discovery requirements.

Evidence of attempting to request the police-body-camera footage of September 21, 2018, are made in the following Exhibits:

Exhibit 1)        2-Page U.S.W.G.O. Mailing Log from Brian David Hill of important legal mailings which was mailed while Hill was being mentally evaluated at the Federal Correctional Institution 1 in Butner, North Carolina. The #4 entry was the mailing to the Chief of Police asking for the body-camera footage. Mailing was delivered to the prison Mail Room on January 30, 2019, treated as legal mail and was not fettered with in accordance with Federal Bureau of Prisons policies. **Total of 2-pages.**

Exhibit 2)        Photocopy of 1-Page letter from Brian David Hill to the Martinsville Police Chief dated January 19, 2019 while Hill was being mentally evaluated at the Federal Correctional Institution 1 in Butner, North Carolina. Also the second page of this Exhibit is a 1-page photocopy of the mailing envelope with mailing label before it was delivered to the prison Mail Room, treated as legal mail and was not fettered with in accordance with Federal Bureau of Prisons policies. **Total of 2-pages.**

Exhibit 3)        1-Page of U.S.W.G.O. Mailing Log from Brian David Hill of important legal mailings which was mailed while Hill was being mentally evaluated at the Federal Correctional Institution 1 in Butner, North Carolina. The #8 entry was the mailing to the Chief of Police asking for the body-camera footage. Mailing was delivered to the prison Mail Room on January 22, 2019 with

the original letter before the photocopy of that same discovery letter was mailed at a later time (See Exhibit 1). The prison treated the mailing as legal mail and was not fettered with in accordance with Federal Bureau of Prisons policies. **Total of 1-page.**

Exhibit 4) 3-Page letter to the Martinsville Chief of Police, was typed up and mailed to them by Brian David Hill's grandparents. Noted: January 19, 2019 (Typed letter March 13, 2019), "Dear Chief of Police of Martinsville Police Dept: G. Edward Cassady", "CC: Commonwealth Attorney, Case no C18-3138,". Note: The Defendant will be looking for the return receipt to see if it can be located in the pile of papers in the multiple boxes full of legal papers, so that the court will have proof of receipt if necessary. Total of 3-pages.

Exhibit 5) A 2-page news article titled "Body Cameras Proving Useful for Martinsville Police | WSET". It proves that since 2013, Martinsville Police Department records body-camera footage of incidents. That may include recording of Brian David Hill on September 21, 2018, and any statements that he had made in regards to a "man wearing a hoodie" and may be useful in proving that Brian David Hill was not acting right at the time which would help prove that he was under carbon monoxide poisoning. **Total of 2-pages.**

**Total evidence of 10 pages of five (5) Exhibits, 5 additional pages for the Exhibit page markers. 15 pages attached to this letter.**

#### ANALYSIS:

From the Virginia Supreme Court rules document:

*"The parties have a duty to seasonably supplement and amend discovery responses*

*pursuant to Rule 4:1(e) of the Rules of Supreme Court of Virginia. Seasonably means as soon as practical. No provision of this Order supersedes the Rules of Supreme Court of Virginia governing discovery. Any discovery motion filed shall contain a certification that counsel has made a good faith effort to resolve the matters set forth in the motion with opposing counsel.*”

Since Defendant has sent two letters with “CC: Commonwealth Attorney, Case no. C18-3138,” and family sent one typed letter asking for the police body-camera footage for Hill's case, it is clear that Hill had made a good faith effort to explain to the prosecution and the Police Department that the body-camera footage of what had happened on September 21, 2018, was needed for discovery purposes for the case. The old case number for the General District Court case was referenced because Hill did not know the Circuit Court case number at the time he was sending those letters, but that case number is the very same case number of what was appealed. No responses were ever found or noted. As far as Hill is concerned, there are no responses to his discovery requests. Hill had mailed a copy of the letter (Exhibit 2) to Scott Albrecht while he was still Hill's counsel of record at the time. Attorney Scott Albrecht never informed Hill as to whether or not the body-camera footage was turned over to defense counsel. Therefore no responses are noted and no responses exist in regards to Hill's two attempts to ask for the body-camera footage and Hill's families one attempt in a typed letter asking for the body-camera footage. Three written attempts have been made asking for the body-camera footage this year, in a request to Martinsville Police Department and “CC: Commonwealth Attorney”.

It is clear that Brian David Hill as Defendant is entitled to the police body-camera footage pursuant to Rule 4:1 of the Supreme Court Rules for Virginia Courts as well as Brady v. Maryland case law from the U.S. Supreme Court (law of the land) which also applies to state courts, and any other rule or statute for the discovery process.

Also Hill would like to request from the Commonwealth Attorney and from Martinsville Police Department, that Hill's defense counsel get access to any blood-work or blood samples taken from Hill while he was at Sovah Hospital on September 21, 2018, before he was arrested. This includes any laboratory results, blood vials taken at the time of Hill's arrest, blood samples taken at the time of Hill's arrest, etc etc. Blood was clearly taken from Hill while he was at the Hospital, but since he was arrested, the Hospital likely would have given the blood drawn to the Police for conducting their own laboratory tests including but not limited to possible drugs.

Last page of Exhibit 10 in the evidence Exhibits which were attached to Brian's filed pro se Motion (Seq. # 22, filed 07/19/2019, evidence attached to this filing was filed on 07/22/2019 after being given to Clerk's office) for Defense of Mental Insanity "INSANITY DEF-FILED BY DEF", shows that laboratory results were ordered but later deleted from the chart and then Hill was released to Martinsville City Jail as stated in the medical records. Because Hill was escorted there with law enforcement, the Hospital likely had given the blood vials to the Martinsville Police Department to conduct their own laboratory work. That would mean a possibility that the Police Department has the blood samples, and the blood vials are likely in evidence storage for the indecent exposure investigation. Those are also subject to discovery for defense counsel. The blood vials are needed to conduct laboratory tests to find evidence of Carbon Monoxide poisoning in the blood with a lab test of "carboxyhemoglobin" which would prove that Carbon Monoxide was in the blood of Brian David Hill during the time of the alleged offense on September 21, 2018. Hill had asked Attorney Scott Abrecht, after he had turned himself in (Seq. #15, 05/30/2019, "HILL TURNED HIMSELF IN") to find the laboratory results but Hill later learned from his family that the Commonwealth Attorney didn't have the laboratory results, but the Commonwealth

Attorney never said anything to Scott Albrecht about the blood vials and blood-work that was drawn while Hill was at the hospital. So the blood vials may still exist as evidence and may be retained by Martinsville Police Department due to Sovah Hospital's policy in regards to a patient that is escorted by law enforcement or was with law enforcement.

Therefore for the following reasons, Hill respectfully requests with this honorable Court that the Court grant this motion for Discovery and compel the Commonwealth Attorney and Martinsville Police Department (who the Commonwealth represents) to turn over the evidence of the body-camera footage (*as noted above*) to Defense counsel, and the blood-work and/or blood-vials of Brian David Hill (*at the time he was arrested*) to Defense counsel. That the Court order all discovery evidence that the Commonwealth Attorney and Martinsville Police Department has withheld be turned over to Defense counsel As Soon As Possible.

WHEREFORE, the Defendant, Brian David Hill, prays that this Court enter an Order compelling discovery materials be turned over to Defense Counsel in regards to the issues stated herein.

Hill respectfully files this Motion with this honorable Court, this the 26<sup>th</sup> day of July, 2019.

Signed, Brian D. Hill  
Signed  
 Brian D. Hill (Pro Se)  
 Phone #: 276-790-3505  
 310 Forest Street, Apartment 1  
 Martinsville, Virginia 24112

**U.S.W.G.O.**

Amazon: The Frame Up of Journalist Brian D. Hill  
Stanley's 2255 blog: JusticeForUSWGO.wordpress.com

**Qanon**

Brian D. Hill asks President Donald John Trump and QANON for help.

This pleading has been filed by hand delivery to the office of the Hon. Ashby Pritchett, Clerk's office at the Martinsville Circuit Court on July 26, 2019, at the address of 55 West Church Street, Martinsville, Virginia 24112.

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of July, 2019, a true copy of the foregoing Motion/Pleading was hand delivered to the office of the Commonwealth Attorney of Martinsville, at 55 West Church Street, Martinsville, Virginia 24112, counsel for Plaintiff of the Commonwealth of Virginia.

Signed, Brian D. Hill  
*Signed*

Brian D. Hill (Pro Se)  
Phone #: 276-790-3505  
310 Forest Street, Apartment 1  
Martinsville, Virginia 24112

**U.S.W.G.O.**

Amazon: The Frame Up of Journalist Brian D. Hill  
Stanley's 2255 blog: JusticeForUSWGO.wordpress.com

**Qanon**

Brian D. Hill asks President Donald John Trump and QANON for help.

# Exhibit 1

USWGO  
QANON // DRAIN THE SWAMP  
MAKE AMERICA GREAT AGAIN

Qanon **U.S.W.G.O.** Qanon

MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00  
“Motion for Discovery”

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1  
MIDDLE DISTRICT OF NORTH CAROLINA

# Mailing Log 2019 U.S.W.G.O. Brian David Hill #29947-057

Federal Correctional Institution # Butner, N.C.  
Old N.C. Hwy 75 - P.O. Box 1000 - 27509

- |     |      |   |
|-----|------|---|
| #1  | 4pg  | Jason McMurray, Western Dist. of Virginia, U.S. Probation Office,<br>210 Franklin RD SW, Roanoke, VA 24011 01/25/2019   |
| #2  | 4pg  | Alexandria Veletsis, Exe. Office of President, 1600 Pennsylvania Ave NW,<br>The White House, Washington DC 20005, US 01/28/2019   |
| #3  | 10pg | Hon Ashby Pritchett, Clerk of the Court, P.O. Box 1206,<br>Martinsville Circuit CRT, Martinsville, VA 24114-1206,<br>US 01/28/2019  |
| #4  | 2pg  | Chief of Police, Police of Martinsville, Martinsville VA Police,<br>55 West Church St, Municipal Building, Martinsville, VA 24112<br>US 01/30/2019  |
| #5  | 5pg  | Alexandria Veletsis, Exe. Office of President, 1600 Pennsylvania Ave NW,<br>The White House, Washington DC 20005, US 01/31/2019   |
| #6  | 1pg  | Law Office of Marcia G. Shein (Attorney), Marcia G. Shein,<br>2392 N Decatur RD, Decatur, GA 30033, US 02/01/2019   |
| #7  | 1pg  | Law Offices of Alan Ellis (Attorney), Alan Ellis, 271 Madison Ave<br>20th Floor, New York, NY 10016, US 02/04/2019  |
| #8  | 4pg  | ATTN: National Security Council, The White House, Exe. Office of<br>President, 1600 Pennsylvania Ave, NW, National Security Council,<br>Washington, DC 20005, US 02/04/2019, Letter Feb. 3 2019 |
| #9  | 3pg  | Clerk Of The Court, 210 Franklin RD SW, U.S. District Court,<br>Roanoke, VA 24011, US 02/06/2019  |
| #10 | 1pg  | Office Of The Clerk, Middle Dist North Carolina, 324 W Market<br>St, U.S. District Court, Ste. 1, Greensboro, NC 27401-2513, US<br>02/07/2019   |
| #11 | 5pg  | ATTN: National Security Council. Same mailing address as #8<br>02/14/2019   |



- #1. 2-page letter to U.S. Probation Officer Jason McMurray, Copy of 1-page letter to Chief of Police dated January 19<sup>th</sup>, 2019 and Copy of 1-page letter to Chief of Police dated January 20<sup>th</sup>, 2019.
- #2. 4-page letter to Alexandria Veletsis dated January 26, 2019.
- #3. 3-page Testimony of Brian David Hill - Declaration and 3-page copy for Commonwealth Attorney; 2-page Notice of Additional Evidence and 2-page copy dated Jan 28, 2019, for Commonwealth Attorney. Testimony dated January 27, 2019.
- #4. copy of 1-page letter to Chief of Police dated January 20, 2019; and copy of 1-page letter to Chief of Police dated January 19, 2019.
- #5. Photocopy of same 4-page letter to Alexandria Veletsis (#2.) dated January 26, 2019; Copy of 1-page letter personally delivered to Bernie Maidoff delivered 5:35PM January 30, 2019.  
Certified mail tracking number: 7018 1130 0000 8936 6290
- #6. 1-page letter to Attorney Marcia G. Shein dated February 1, 2019.
- #7. 1-page letter to Attorney Alan Ellis dated February 1, 2019.
- #8. 4-page letter to the National Security Council dated February 3, 2019.  
Certified Mail tracking number: Feb. 3 7018 1130 0000 8936 6320
- #9. 1-page Motion to Request Transcripts, 1-page Certificate of Service, and 1-page letter to the Clerk of the Court dated February 6, 2019.
- #10. 1-page Docket Report request letter to Clerk of the Court dated February 7, 2019.
- #11. 4-page letter to National Security Council dated February 13, 2019. 1-page photocopy of Request to Staff dated 02/13/2019 06:49:30PM. Certified Mail tracking no. 7018 1130 0000 8936 6306

# Exhibit 2

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Qanon **U.S.W.G.O.** Qanon

MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00  
"Motion for Discovery"

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1  
MIDDLE DISTRICT OF NORTH CAROLINA

Dear Chief of Police of Martinsville Police Dept,  
 CC: Commonwealth Attorney, Case no. C18-3138,  
 55 West Church Street,  
 Municipal Building,  
 Martinsville, VA 24112,

Martinsville Circuit Court case  
 Discovery Request

Under Virginia Code in regards to discovery requirements for misdemeanor and felony trials in the Commonwealth of Virginia, Brady v. Maryland, Giglio v. U.S., Brian David Hill hereby requests a copy of Police Body-Camera footage presumably recorded by Sgt. R.D. Jones of Martinsville Police Department between the times of 3:00AM and 4:00AM, September ~~20~~ 21, 2018, where I gave statements about the man wearing the hoodie who had threatened to kill my mother Roberta Hill on the late night of September 20, 2018. Please turn over that Police body camera footage recording evidence copy to my Attorney Scott Albrecht of the Martinsville Public Defender Office, As Soon As Possible. Thank You for your service.

My Respects,  
 Brian D. Hill

Signed

Brian David Hill #29947-057

Federal Correctional Institution 1  
 Old NC Hwy 75; P.O. Box 1000  
 Butner, N.C. 27509

JusticeForUSWGO.wordpress.com  
 U.S.W.G.O.

Dated January 19, 2019.

P.S. Brian Hill has Autism  
 Spectrum Disorder in DMV  
 handicap placard records.

Brian David Hill #29947-057

Name: Number:  
Federal Correctional Institution 1  
P.O. Box 1000  
Butner, NC 27509

*Chief of Police*

⇨ 29947-057 ⇨

Police Of Martinsville  
Martinsville VA Police  
55 W Church ST  
Municipal Building  
Martinsville, VA 24112  
United States



*LEGAL MAIL*  
3192

# Exhibit 3

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Qanon **U.S.W.G.O.** Qanon

MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00  
“Motion for Discovery”

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1  
MIDDLE DISTRICT OF NORTH CAROLINA

FCI<sup>2</sup>, Butner, N.C.  
 Brian David Hill #29947-057

# Mailing Log 2019 U.S.W.G.O.

Brian David Hill #29947-057

Federal Correctional Institution<sup>1</sup>, Butner, N.C.

- |     |     |  |
|-----|-----|--|
| #1  | 1pg | ↔29947-057 ↔ Federal Building, 324 W Market St<br>Suite 1, Greensboro, NC 27401-2513, US 01/14/2019<br>Clerk of the Court - <del>01/26/2019</del> 01-14-2019 |
| #2  | 2pg | Hon Ashby Pritchett, Clerk of the Court PO Box 1206,<br>Martinsville Circuit CRT, Martinsville, VA 1206, US<br>01/14/2019                                    |
| #3  | 2pg | Scott Albrecht Public Defender Office, 31 P.O. Drawer,<br>Martinsville, VA 24114 US - 01/15/2019 01/18/2019  |
| #4  | 2pg | Clerk of the Court, U.S. District Court, Federal Building, 324<br>W Market St Suite 1, Greensboro, NC 27401-2513,<br>US 01/18/2019                           |
| #5  | 2pg | Office of VA Attorney General, 202 N 9TH ST<br>Virginia Attorney General, Richmond VA 23219 US<br>01/17/2019 - 7018-1130-0000-8936-6214 Certified            |
| #6  | 2pg | Administra Office Of Us Courts Admin. Office of US<br>Courts 1 Columbus CIR NE Probation Oversight Branch,<br>Washington, DC 20002 US [Urgent] 01/17/2019    |
| #7  | 4pg | Clerk of the Court, 210 Franklin Rd SW, U.S. District Court,<br>Roanoke VA 24014 US 01/18/2019   |
| #8  | 4pg | Chief of Police, Police of Martinsville, 55 W Church ST,<br>Municipal Building, Martinsville, VA 24112 US 01/22/2019   |
| #9  | 4pg | U.S. Federal Courthouse, Hon. Judge Joe Webster, Magistrate 323 E Chapel<br>Hill ST, Room 2, Durham, NC 27701-3351, US 01/24/2019                            |
| #10 | 4pg | Anand P Ramaswamy, AUSA United States Attorney, 101 S Edgeworth ST<br>4th Floor, Greensboro NC 27401, US 01/24/2019  |
| #11 | 2pg | Attorney Scott Albrecht, Public Defender Office, 31 P.O. Drawer,<br>Martinsville, VA 24114 US 01/24/2019   |

# Exhibit 4

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MAKE AMERICA GREAT AGAIN

Qanon **U.S.W.G.O.** Qanon

MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00  
“Motion for Discovery”

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1  
MIDDLE DISTRICT OF NORTH CAROLINA

January 19, 2019 (Typed letter March 13, 2019)

Dear Chief of Police of Martinsville Police Dept: G. Edward Cassady

CC: Commonwealth Attorney, Case no C18-3138,

55 West Church Street Municipal Building Martinsville, VA 24112

Martinsville Circuit Court case Discovery Request

Under Virginia Code in regards to discovery requirements for misdemeanor and felony trials in the Commonwealth of Virginia, Brady v Maryland, Giglio v U.S., Brian Hill hereby requests a copy of Police-Camera footage presumably recorded by Sgt. R.D. Jones of Martinsville Police Department between the times of 3:00AM and 4:00AM, September 20, 2018, where I gave statements about the man wearing the hoodie, who had threatened to kill my mother Roberta Hill on the late night of September 20, 2018. Please turn over that Police body camera footage recording evidence copy to my Attorney Scott Albrecht of the Martinsville Public Defender Office, As Soon As Possible. Thank you for your service.

My Regards,

Brian D. Hill (Signed)

Dated January 19, 2019

P.S. Brian Hill has Autism Spectrum Disorder in DMV handicap placard records

Brian David Hill #29947-057 Federal Correctional Institution 1  
Old NC Hwy 75; P.O. Box 1000 Butner, NC 27509  
JusticeForUSWGO.wordpress.com USWGO

(Letter 1)



January 20, 2019 (Typed letter March 13, 2019)

Dear Chief of Police of Martinsville Police Department: G. Edward Cassady

CC: Commonwealth Attorney, Case no C18-3138,

55 West Church Street Municipal Building Martinsville, VA 24112

Martinsville Circuit Court case

There are more facts that must be known about me in this case which involve my mental/neurological disability/handicap of Autism Spectrum Disorder. The man that had threatened to kill my mother Roberta Hill if I didn't get naked and take pictures of myself is a form of verbal sexual abuse similar to a pedophile threatening a kid to get naked. I almost would have gotten sexually taken advantage of by an inmate named Crutchfield while I'm being evaluated mentally here meaning, I would have been raped if other inmates with life sentences had not taken up for me and protected me that are against rape. Research on Google that people with Autism are more likely to be verbally and physically sexually abused. The man wearing the hoodie wanted to take advantage of me. Please contact Renetta Craighead of Piedmont Community Services and REACH. They will explain to you about my condition. I never should have been arrested and should have been placed in witness protection. This case should be dismissed. I am Innocent. Thank you.

My respects,

Brian D. Hill (Signed)

Dated January 20, 2019

Caretaker: Roberta Hill:  
276-790-3505, 276-224-7373  
Kenneth Forinash, U.S.A.F:  
276-632-2599, 276-224-4527

Brian David Hill #29947-057  
Federal Correctional Institution  
Old NC Hwy 75; PO Box 1000  
Butner, NC 27509

**Copy of note mailed with letter dated January 19, 2019**

**Chief of Police and Commonwealth Attorney in Martinsville,  
VA,**

**Please acknowledge receipt of letters. Please write response.**

**Thank you**

**Brian D. Hill**

**God bless you!**

**Note: In a week of no response, I will assume that it was lost  
and mail another copy. Thanks.**

**Note from Brian's grandparents. Brian wrote this on  
January 19, 2019 and January, 20, 2019. He received no  
response, He sent it again and received no response a week  
later. After waiting almost two months, his grandparents  
will have to go to the post office and send this out return  
receipt requested. You also should know that Brian has  
been on disability since the age of 19 months; has brittle  
diabetes requiring insulin shots, has seizures, autism, anxiety  
and OCD. His actions that night were not normal. He was a  
victim who was arrested and sent to jail by the police who  
are supposed to protect its citizens and disabled. Brian's  
mom and grandparents were at the trial and noticed the  
prosecuting attorney making derogatory comments and  
making fun of this disabled citizen of Martinsville in front of  
his family and many other people in the court room.**

*Brian, We are also sending a copy  
of the 3 page disabled parking placard  
with your disability (autism) &  
your name & address with this letter to chief of Police*

# Exhibit 5

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QANON // DRAIN THE SWAMP  
MAKE AMERICA GREAT AGAIN

Qanon **U.S.W.G.O.** Qanon

MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00  
“Motion for Discovery”

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1  
MIDDLE DISTRICT OF NORTH CAROLINA



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AA

Martinsville, VA -- The Martinsville Police Department says a small device has been making a big difference in fighting crime.

About a year ago, they got 38 cameras that the officers wear. They received the cameras because of a grant from the Virginia Municipal League. And they say they have really proven themselves.

Even on a very routine call, every word spoken and every movement taken will be captured clearly.

"Having this thing with us is like having someone with us whose memory is infallible," said Sgt. Chad Rhoads with the Martinsville Police Department.

Captain Eddie Cassady calls the cameras "like another officer" watching out for his force.

"They have been very useful for us," said Cassady.

For about a year, every Martinsville Police patrolling officer has worn one of these cameras. And for such a small device, it does a lot even capturing the sound of cars driving by in the distance.

"It helps clear up any disagreements. Anytime you talk to somebody, there are two different versions of what went on," said Rhodes.

And Rhoads explains, this camera shows the real version.

"It helps us investigate cases. It also helps us identify potential witnesses in other crime scenes too," said Cassady.

In the past few months, it did something they didn't even expect. When a man

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

DATE: 07/26/2019 @10:59:43

TESTE: Jennifer C. Coplin  
CLERK DEPUTY CLERK

# **EXHIBIT 3**

**for**

**EVIDENCE FOR  
MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL  
BASED UPON NEW EVIDENCE WHICH COULD NOT BE  
ADMISSIBLE AT THE TIME OF CONVICTION; NEW  
EVIDENCE OF SPOILIATION OF EVIDENCE COMMITTED BY  
COMMONWEALTH OF VIRGINIA; REQUEST FOR  
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,  
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING  
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA  
FOOTAGE AND IT IS LIKELY DESTROYED AND  
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON  
DAY OF CHARGE, ALSO LIKELY DESTROYED**

**Commonwealth of Virginia, City of Martinsville v. Brian David Hill  
CASE NO: CR19000009-00**

**Friday, February 11, 2022**



**JUSTICEFORUSWGO.WORDPRESS.COM**

Even though I fell down the slope, cuts all over my body, my head likely got hit, I told the police officer, he appeared to have activated his body camera, I was shaken up but I tried to explain the situation as best as I could, I told him I have Autism, I tried to tell him about the guy in the hoodie, I was taken in an ambulance to the hospital, my mother and grandparents showed up, told them as much as I could what had happened. At one point I think that man was Officer R. D. Jones of Martinsville Police. He said that if I am lying, that I can be charged with filing a false report. I looked at him straight in the eyes and told Officer Jones that I told him the truth, all of that went on at the hospital. I was advised that I would be placed under arrest. Nobody walked on the trail when I was seen, hand over my mouth, guy in the hoodie, only time I was seen was the part of the trail where Southern Finishing factory was, where vehicles go by, but hardly any traffic at night. I signaled that I was gagged, that was why my hand was over my mouth. I never masturbated, I told the police the truth.

When I was seen by a passing vehicle, I never masturbated, hand over my mouth and other hand with a flashlight.

(2.) My attorney told me that unless I was aroused and masturbated, I wasn't doing anything indecent. He says that I am innocent, I mean not-guilty of indecent exposure.



**EXHIBIT 4**  
**for**  
EVIDENCE FOR  
MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL  
BASED UPON NEW EVIDENCE WHICH COULD NOT BE  
ADMISSIBLE AT THE TIME OF CONVICTION; NEW  
EVIDENCE OF SPOLIATION OF EVIDENCE COMMITTED BY  
COMMONWEALTH OF VIRGINIA; REQUEST FOR  
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,  
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING  
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA  
FOOTAGE AND IT IS LIKELY DESTROYED AND  
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON  
DAY OF CHARGE, ALSO LIKELY DESTROYED

Commonwealth of Virginia, City of Martinsville v. Brian David Hill  
CASE NO: CR19000009-00

Friday, February 11, 2022



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1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

3 UNITED STATES OF AMERICA            )  
  )  
4                   vs.                    )  
  )  
5 BRIAN DAVID HILL                    )     CASE NO. 1:13CR435-1  
  )     Winston-Salem, North Carolina  
  )     September 12, 2019  
  )     3:37 p.m.

---

6  
7  
8                   TRANSCRIPT OF THE **SUPERVISED RELEASE REVOCATION HEARING**  
9                   BEFORE THE HONORABLE THOMAS D. SCHROEDER  
  UNITED STATES DISTRICT JUDGE

10  
11 APPEARANCES:

12 For the Government:           ANAND RAMASWAMY, AUSA  
  Office of the U.S. Attorney  
13                                   101 S. Edgeworth Street, 4th Floor  
  Greensboro, North Carolina 27401

14  
15 For the Defendant:           RENORDA E. PRYOR, ESQ  
  Herring Law Center  
16                                   1821 Hillandale Road, Suite 1B-220  
  Durham, North Carolina

17  
18 Court Reporter:               BRIANA L. BELL, RPR  
  Official Court Reporter  
19                                   P.O. Box 20991  
  Winston-Salem, North Carolina 27120

20  
21  
22  
23  
24                   Proceedings recorded by mechanical stenotype reporter.  
25                   Transcript produced by computer-aided transcription.G1

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1 P R O C E E D I N G S

2 (The Defendant was present.)

3 **THE COURT:** All right. Mr. Ramaswamy, good  
4 afternoon, sir.

5 **MR. RAMASWAMY:** Good afternoon, Your Honor. The  
6 Government calls for hearing on a supervised release violation  
7 United States versus Brian David Hill in 1:13CR435-1,  
8 represented by Ms. Pryor.

9 **MS. PRYOR:** Good afternoon, Your Honor.

10 **THE COURT:** Good afternoon, Ms. Pryor. How are you?

11 **MS. PRYOR:** I'm wonderful, Your Honor. Thank you.

12 **THE COURT:** Mr. Hill, good afternoon to you.

13 Mr. Alligood and Mr. McMurray are here from the  
14 Western District of Virginia, welcome, here on behalf of  
15 Probation.

16 We're here today because the petition and the  
17 supplemental report allege that Mr. Hill violated the terms of  
18 supervision.

19 Did you receive a copy of the petition and the  
20 supplement?

21 **MS. PRYOR:** We did, Your Honor.

22 **THE COURT:** Have you reviewed those with your client?

23 **MS. PRYOR:** I have, Your Honor. And Mr. Hill is  
24 actually requesting a continuance of this matter today, Your  
25 Honor. I believe it was -- I won't said filed because we don't

1 have an actual clerk's office here, but I think he did provide  
2 it on I believe the 8th floor, Your Honor, and because of the  
3 time that he drafted it, it seems like last night, he didn't  
4 have an opportunity to file it. So he did provide it to me, a  
5 copy, today.

6 He's asking for a continuance because his matter in  
7 state court was actually -- his appeal hearing was continued to  
8 December 2. It was in order -- the first hearing that he had,  
9 I believe he -- his attorney was released from that. He has a  
10 new attorney in state court, and so they continued it out to  
11 December 2.

12 And so Mr. Hill is asking, based on his rights here,  
13 that he would like for his hearing to be heard -- in  
14 Martinsville, Virginia, to be heard before this hearing today.

15 **THE COURT:** So explain to me exactly what is set for  
16 hearing in Virginia.

17 **MS. PRYOR:** So, Your Honor, he was found guilty of  
18 indecent exposure in Martinsville, Virginia. He appealed that  
19 matter. That matter was scheduled for --

20 **THE COURT:** Let me stop you.

21 **MS. PRYOR:** I apologize, yes.

22 **THE COURT:** So he's found guilty in the trial court?

23 **MS. PRYOR:** He was found guilty at trial, yes, Your  
24 Honor.

25 **THE COURT:** So he's appealed it to whom?

1           **MS. PRYOR:** He's appealed it to their -- which would  
2 be their next level, which would be their superior court. In  
3 that case, when he went to court on -- I think that was two  
4 weeks ago, they continued that matter to December 2 to be heard  
5 at that time, and he now has a new attorney.

6           **THE COURT:** And what's the nature of that appeal?

7           **MS. PRYOR:** It is the underlining matters that are  
8 here on this case.

9           **THE COURT:** I understand. Is it a de novo review, or  
10 is it an appeal?

11          **MS. PRYOR:** It would be a de novo review, Your Honor.

12          **THE COURT:** All right. What was he found guilty of?

13          **MS. PRYOR:** He was found guilty of the charges that  
14 he's here for today, Your Honor, which was in violation of  
15 indecent exposure. I think it's 137 -- I think it's 20-137,  
16 which is indecent exposure. It is a misdemeanor, Your Honor.

17          **THE COURT:** According to the petition, it's Virginia  
18 Code 18.2-387.

19          **MS. PRYOR:** I apologize, Your Honor. That's correct.

20          **THE COURT:** All right. Okay. Anything else on that?

21          **MS. PRYOR:** That's it, Your Honor. And then, of  
22 course, you know, Your Honor, if you would not continue it,  
23 we're prepared to proceed.

24          **THE COURT:** Well, I've also reviewed apparently today  
25 a pro se emergency notice of interlocutory appeal. Are you

1 aware of that?

2 **MS. PRYOR:** That's what I actually have, Your Honor,  
3 and I was referencing it as a continuance. Your Honor, I did  
4 receive that. I believe it might be couched in the wrong -- in  
5 what he's requesting. So, Your Honor --

6 **THE COURT:** This one says he's appealing to the  
7 Fourth Circuit; is that not right?

8 **MS. PRYOR:** That is correct, Your Honor.

9 **THE COURT:** What he's appealing?

10 **MS. PRYOR:** Your Honor, he is appealing --

11 **THE COURT:** I haven't ruled yet.

12 **MS. PRYOR:** I know, Your Honor.

13 **THE COURT:** Okay. All right.

14 Mr. Ramaswamy?

15 **MR. RAMASWAMY:** As to this -- addressing this motion  
16 --

17 **THE COURT:** Which "this"?

18 **MR. RAMASWAMY:** I'm sorry. There's no file number on  
19 it, but the petition for notice of interlocutory appeal, it  
20 would appear to the Government he's appealing Document 183,  
21 that's in the second paragraph, which is the Court's order on  
22 the motion to continue. That was a motion to continue by the  
23 defense, which the Court granted and the Government didn't  
24 oppose. So it would appear Mr. Hill's attempting pro se to  
25 appeal an order that was in the Defendant's favor.

1           **THE COURT:** Hold on just a minute.

2           (Pause in the proceedings.)

3           **THE COURT:** Okay. What's your position on the other  
4 motion? They want to continue this because he's appealing  
5 Virginia -- the court's -- the trial court's determination.

6           **MR. RAMASWAMY:** I don't believe there is a motion --  
7 unless it's one made orally, there is a motion to continue.

8           **THE COURT:** Do I have a written one?

9           **MS. PRYOR:** You do not have a written one, Your  
10 Honor. That was an oral motion just now, Your Honor. That's  
11 correct.

12          **THE COURT:** What's your view on that?

13          **MR. RAMASWAMY:** We would oppose, Your Honor. The  
14 officer is here under subpoena. The Defendant is here. The  
15 supervising officer is also here from Martinsville, Virginia.

16          **THE COURT:** Let me ask a question. When did the  
17 court in Virginia rule?

18          **MS. PRYOR:** Your Honor, do you mind if I get a second  
19 just to ask that question?

20          **THE COURT:** That's fine. I am going to want to know  
21 when he took the appeal, too.

22          **MS. PRYOR:** Okay. Yes, Your Honor.

23          (Ms. Pryor conferred with the Defendant.)

24          **MS. PRYOR:** I apologize. Thank you, Your Honor.

25          Your Honor, he actually was found guilty on



1 December 21 of 2019. He filed a pro se appeal on December 21,  
2 but it was mailed, so they did not have it couched as a pro se  
3 appeal until December 26 of 2019 -- I mean, I'm sorry, 2018. I  
4 apologize.

5 **THE COURT:** Okay. And then when was that scheduled  
6 for hearing?

7 **MS. PRYOR:** Well, Your Honor, when he did have the  
8 first hearing, they then -- he, of course --

9 **THE COURT:** When was the appeal scheduled to be  
10 heard, the original?

11 **MS. PRYOR:** Oh, the original, it was not scheduled  
12 until May and then -- that's only because he went off -- and I  
13 know that's probably longer than what you are asking me for,  
14 but they sent him to Butner for competency. He came back in  
15 May. They did couch the first hearing for May, and then they  
16 continued that one because he released that attorney. And then  
17 in July, he had a hearing, which is the one that you gave us  
18 permission to continue to this date for that hearing, but then  
19 that hearing was then rescheduled. He has another attorney who  
20 is going to be handling that hearing on December 2.

21 **THE COURT:** Okay. Well, the motion is dennded. The  
22 standard before this Court on a potential revocation of a  
23 petition is a preponderance standard, which is a different  
24 standard. So even if he were found not to be guilty beyond a  
25 reasonable doubt in a criminal court, that would not

1 necessarily preclude this Court from finding him guilty on a  
2 preponderance basis because that's the burden of proof. So it  
3 is also a late-blooming motion, so on timeliness grounds as  
4 well, I am going to deny the motion.

5 **MS. PRYOR:** Thank you, Your Honor.

6 **THE COURT:** All right. I read this emergency  
7 petitioner's notice of interlocutory appeal. To the extent  
8 that's even pending before me, it's not an impediment to my  
9 moving forward. He's purporting to appeal an order that, as  
10 the Government says, was one I granted in his favor, extending  
11 him more time to proceed. So he's not been harmed by that  
12 order, but, in any event, it's interlocutory.

13 So are you prepared to proceed?

14 **MS. PRYOR:** Yes, sir.

15 **THE COURT:** Did you say you reviewed the petition and  
16 the supplement with your client?

17 **MS. PRYOR:** I did review it with him, yes, Your  
18 Honor.

19 **THE COURT:** Do you have access to his original  
20 presentence report?

21 **MS. PRYOR:** I do, Your Honor.

22 **THE COURT:** And are you confident that he understands  
23 the charges pending against him?

24 **MS. PRYOR:** I am confident that he understands the  
25 charges that are here today.

1           **THE COURT:** All right. Mr. Hill, I need to speak  
2 with you for a moment, if you would stand, please, sir.

3           How are you this afternoon?

4           **THE DEFENDANT:** I'm all right.

5           **THE COURT:** Good. Did you receive a copy of the  
6 petition and supplement?

7           **THE DEFENDANT:** I did.

8           **THE COURT:** Did you review those with Ms. Pryor?

9           **THE DEFENDANT:** Yes.

10          **THE COURT:** Do you understand the charge against you?

11          **THE DEFENDANT:** I am.

12          **THE COURT:** You may have a seat, sir.

13               The allegation in the petition is that Mr. Hill was  
14 arrested by the Martinsville, Virginia Police Department for a  
15 misdemeanor indecent exposure on September 21, 2018. He  
16 reportedly was running around a public park nude at the time.

17               Does the Defendant admit or deny this allegation?

18          **MS. PRYOR:** He denies, Your Honor.

19          **THE COURT:** All right. Is the Government prepared to  
20 proceed?

21          **MR. RAMASWAMY:** Yes, Your Honor.

22          **THE COURT:** All right. You may call your witnesses.

23          **MR. RAMASWAMY:** Thank you. The Government would call  
24 Robert Jones.

25          **SERGEANT ROBERT JONES,** GOVERNMENT'S WITNESS, being first duly

1 sworn, testified as follows at 3:48 p.m.:

2           **THE COURT:** Before you begin, give me a chance to  
3 look at one thing.

4           **MS. PRYOR:** Your Honor, may I have just one moment  
5 with my client?

6           **THE COURT:** Yes, you may.

7           (Ms. Pryor conferred with the Defendant.)

8           **THE COURT:** Okay. I was just confirming that it's  
9 Docket Entry 176, that the U.S. Court for the Western District  
10 of Virginia in Roanoke did, in fact, find Mr. Hill to be  
11 competent. That appears to be the case.

12           **MS. PRYOR:** That is correct, Your Honor.

13           **THE COURT:** Thank you. All right.

14           Mr. Ramaswamy, you may proceed, sir.

15                               DIRECT EXAMINATION

16 **BY MR. RAMASWAMY**

17 Q       Would you state your name and occupation for the record,  
18 please.

19 A       Robert Jones, patrol sergeant in the Martinsville City  
20 Police Department.

21 Q       How long have you been with the Martinsville PD?

22 A       Just over 17 and a half years.

23 Q       And were you on duty on September 21st of last year?

24 A       I was.

25 Q       And what were your duties on that date?

1 A I was the supervisor for the patrol shift that evening.

2 Q Did you receive a call from dispatch that evening?

3 A We did.

4 Q What was that call in reference to?

5 A Radio traffic came across as a male subject with no  
6 clothes on running down the side of the street at Hooker Street  
7 near the Henry County Public Safety building.

8 Q And what did you do in response to that call?

9 A Several of the officers that work for me went to that area  
10 and were trying to locate that individual. I came from another  
11 part of the town. As I came across, they were not having any  
12 luck locating him. I went to an area of Pine Street. At the  
13 dead end section of that, there is a set of steps that go onto  
14 the walking trail that connects where the individual was first  
15 seen to where I was coming from.

16 Q You mentioned Hooker Street was the original place of the  
17 report; correct?

18 A Correct. It's Hooker Street and Church Street there at  
19 Burger King. It's an intersection right there at that area.

20 Q You mentioned the walking trail. What's the name of that  
21 trail?

22 A It is the Dick and Willie Trail.

23 Q And do you know approximately how long that trail is?

24 A It's several miles long.

25 Q And in reference to Martinsville, where does it go in

1 reference -- is it remote or is it residential or a mixture?

2 A A mixture.

3 Q I believe you said you went to a set of steps near Pine  
4 Street; is that correct?

5 A Yes, sir.

6 Q Would you tell the Court what happened next?

7 A I went down the steps around the edge of the intersection  
8 there where the trail splits off back towards the direction  
9 where the individual had been seen. As I was coming up the  
10 trail, I could hear footsteps coming towards me; at which  
11 point, I stopped to see if the individual would come closer to  
12 me before I made contact.

13 Q On that trail, is that trail open at night?

14 A It is.

15 Q Is it a park?

16 A It's a walking trail that goes from the county through the  
17 city back out into the county.

18 Q And you said you heard the footsteps before you saw  
19 someone?

20 A Correct.

21 Q Did you eventually see someone?

22 A I did.

23 Q Did you see him -- did you have a flashlight?

24 A I did.

25 Q Did you see him by your flashlight or by other light?

1 A By my flashlight.

2 Q And do you see the person that you saw that night?

3 A I do.

4 Q And is he in the courtroom?

5 A He is. It's the Defendant sitting at the table with his  
6 attorney.

7 Q Mr. Hill?

8 A Correct.

9 Q Describe Mr. Hill when you saw him.

10 A When I shined my light on Mr. Hill, he was completely  
11 naked other than a backpack, his tennis shoes and socks, and a  
12 stocking cap.

13 Q How far away was he when you first saw him?

14 A About the length of the courtroom.

15 Q And when you -- after you saw him, what did you do?

16 A I yelled at him to stop. When I shined my flashlight on  
17 him, he took off, which would have been where I was facing to  
18 my left into the wood line and down the hill into the creek.

19 Q Did you see him holding anything?

20 A He did. He had a yellow flashlight in his hand and then  
21 also another black object, which was later found to be another  
22 flashlight in his other hand.

23 Q I'm sorry. After he ran down the hill and into the wooded  
24 area, did you pursue?

25 A I did.

1 Q Describe that for the Court, please.

2 A We run through the brush, through the thicket down into  
3 the creek; at which point, he jumped over a log into the creek.

4 Q Was he still holding the objects?

5 A One of the objects had fell. The small black flashlight  
6 had fallen. That was picked up by one of the other officers  
7 that came to assist me.

8 Q And what did you do next?

9 A He was handcuffed at that point and was walked out of the  
10 wooded area back to the patrol cars that met us at -- off of  
11 Hooker Street on one of the side streets.

12 Q You mentioned two flashlights in a backpack. Did he have  
13 anything else with him?

14 A Yes, there was -- in his backpack was located a camera.

15 Q Did Mr. Hill make any statements to you at that time?

16 A He was complaining of knee pain; at which point, we  
17 transported him to the hospital to get him checked out to make  
18 sure he was okay. While there, he proceeded to explain to me  
19 that the reason he was out there like that was because a male  
20 subject -- a black male in a hoodie had threatened him and  
21 forced him to take pictures of himself.

22 Q What -- did he gave any more detail than that, a black  
23 male in a hoodie forced him to take photos?

24 A He did. He said that the male subject threatened him and  
25 his family and told him that he needed to take these photos of



1 himself naked; otherwise, they were going to hurt his family.

2 Q Did he make any statement as to whether or not this person  
3 knew his family?

4 A When questioning him if the male subject was with him when  
5 he took the photos and stuff that were on the camera, he stated  
6 he was not with him. And when questioned about that and why he  
7 didn't come to see us and asked him -- he proceeded to explain  
8 to us that this subject was working for law enforcement and  
9 other individuals in reference to his prior charges.

10 Q So it was a story that his original child pornography  
11 charge -- that this unknown person was somehow affiliated with  
12 that charge?

13 A Correct.

14 Q What did he say about the camera itself?

15 A He said that the -- originally said that the male subject  
16 had given him the camera to go take the photos. I had seized  
17 the camera during this time. A search warrant was issued for  
18 it, and on the camera card -- on the SD card inside the camera  
19 was a Word document that belonged to Mr. Hill.

20 Q Were there other things on the camera card?

21 A Photos from that evening.

22 Q Did he say what he was supposed to do with the camera  
23 after he took these pictures?

24 A He did. He was supposed to leave it on one of the benches  
25 on the walking trail.

1 Q Now, did you obtain a search warrant for the contents of  
2 the camera?

3 A I did.

4 Q And did you later find the photographs and document you  
5 mentioned on the camera?

6 A Correct.

7 **MR. RAMASWAMY:** May I approach?

8 **THE COURT:** Yes.

9 **BY MR. RAMASWAMY**

10 Q Officer Jones, I'm going to show what's marked as  
11 Government's Exhibit 1, which is a two-page exhibit, a contact  
12 sheet. Do you recognize what's on Government's Exhibit 1?

13 A Yes. These are thumbnails of the photos that were found  
14 on that card.

15 Q I'm going to ask you to look at Government's Exhibit 1,  
16 and on the photographs themselves, does there appear to be a  
17 time/date stamp?

18 A It is.

19 Q Is that time/date stamp consistent with the day that the  
20 incident occurred?

21 A It is.

22 Q And also below each photograph is some text that begins  
23 with the word "Sanyo," and the first one at the top left of  
24 Government's Exhibit 1 says sanyo001.jpg. Do you know what  
25 that is?

1 A That's the -- normally, that's the stamp that the camera  
2 puts onto the card for the photo that's stored on it.

3 Q So that's the file name for each of the photographic files  
4 on the camera?

5 A Correct.

6 Q Is what's shown in Government's Exhibit 1 all of the  
7 photographs found on Mr. Hill's camera?

8 A Yes.

9 Q And I know there are --

10 **MR. RAMASWAMY:** I would ask that Government's  
11 Exhibit 1 be admitted, Your Honor.

12 **MS. PRYOR:** Your Honor, we have no objection. Just  
13 ask that it be sealed because of the nature of it.

14 **THE COURT:** All right. It's admitted.

15 **BY MR. RAMASWAMY**

16 Q I'm going to ask you about Government's Exhibit 1 in  
17 relation to this trail, the Dick and Willie Passage. In your  
18 further investigation or knowledge, were you able to determine  
19 whether these photographs were taken in reference to that  
20 trail?

21 A Further investigation from the initial incident, it looks  
22 like all of these were taking place at the Greene Company right  
23 behind the Mexican restaurant right in that area, Virginia  
24 Avenue, Memorial Boulevard, and Commonwealth Boulevard.

25 Q What type of area is that?

1 A It's the Wal-Mart -- it's our Wal-Mart intersection.  
2 There's several restaurants, a gas station right here in this  
3 little area, along with a hotel there as well.

4 Q In terms of Martinsville, or Henry County, is it -- how  
5 would you describe it in terms of car traffic? Foot traffic?

6 A Heavy traffic.

7 **THE COURT:** Any objection to sealing these, given the  
8 nature of them?

9 **MR. RAMASWAMY:** I don't have any objection.

10 **MS. PRYOR:** Thank you.

11 **THE COURT:** I'll order that they be sealed, that is,  
12 Government's Exhibit 1.

13 **BY MR. RAMASWAMY**

14 Q It's Detective Jones; correct?

15 A Sergeant Jones.

16 Q I'm sorry.

17 A No problem.

18 Q Sergeant Jones, I'm going to show what's marked as  
19 Government's Exhibit 2. Do you recognize Government's  
20 Exhibit 2?

21 A Yes, sir.

22 Q In Government's Exhibit 2 is a map, arrows, and some text.  
23 Have you previously reviewed this in relation to the  
24 photographs and file names?

25 A Yes, sir.

1 Q And as it describes in numbered sequence one through five,  
2 does that accurately show, as to the files in Government's  
3 Exhibit 1, the locations where those photographs were taken?

4 A Yes, sir. These are consistent with the photographs.

5 Q Those photographs I mentioned before have a time stamp;  
6 correct?

7 A Correct.

8 Q And for the record, on Government's Exhibit 2, on the  
9 first number there, under No. 1, when do the photographs begin,  
10 as far as the time stamp?

11 A At 12:29 a.m.

12 Q Sergeant Jones, I'm showing you what's marked as  
13 Government's Exhibit 3, and I want you in reference to -- what  
14 does Government's Exhibit 3 show?

15 A This is photographs of the Greene Company from Virginia  
16 Avenue over the bridge, along with the beginning of the walking  
17 trail there for parking, the bike rack, and the little bulletin  
18 board there at the beginning of the trail.

19 Q You mentioned that bike rack and bulletin board. That's  
20 approximately in the center of the large photograph; correct?

21 A Correct.

22 Q And the bike rack is that the green --

23 A Just the little -- right beside the green trash can and  
24 bulletin board.

25 Q Do you see those same -- that bulletin board and bike rack

1 and trash can in Government's Exhibit 1, in those photographs?

2 A Yes.

3 Q And I'll show you what's marked Government's Exhibit 4.

4 Again, another large photograph in the daytime -- taken in the  
5 daytime. Do you recognize that?

6 A Yes, sir. That is the backside of the Greene Company and  
7 their parking lot, along with the Taco Bell old truck --  
8 transfer truck that they have there.

9 Q That says Taco Bell?

10 A Minus a few letters.

11 Q Okay. On the second page of Government's Exhibit 1, is  
12 there are also a Taco Bell truck with the B and final L missing  
13 from Bell?

14 A Correct.

15 Q Is that what you were able to determine was the location  
16 of the photographs shown on the back -- the second page of  
17 Government's Exhibit 1?

18 A Yes, sir.

19 Q I'll show you what's marked Government's Exhibit 4 --  
20 Government's Exhibit 5. Would you tell us what's shown in that  
21 photograph?

22 A That is the intersection for the Commonwealth, Virginia  
23 Avenue, Memorial Boulevard intersection.

24 Q And that's a photograph taken in the daytime; correct?

25 A Correct.

1 Q Now, in relation to Martinsville, Henry County -- well,  
2 strike that.

3 Is that the same intersection that has the Wal-Mart on the  
4 one side and other businesses on the other?

5 A Correct.

6 Q In relation to Martinsville and Henry County, how busy of  
7 an intersection is that? Is it a -- it's in the top?

8 A It's one of our busiest intersections for that area.

9 Q I am going to show you a photograph marked Government's  
10 Exhibit 6.

11 **MR. RAMASWAMY:** And I have no objection if counsel  
12 moves to seal this one as well, Your Honor.

13 **MS. PRYOR:** That would be my request, Your Honor.

14 **THE COURT:** All right. It's granted.

15 **BY MR. RAMASWAMY**

16 Q I have some questions related to Government's Exhibit 6.  
17 What is shown in that exhibit?

18 A This is the grassy section just up from the intersection  
19 behind the gas station. The Wal-Mart intersection is here with  
20 the stoplights. The signs for all the stores down there in the  
21 strip mall just below Wal-Mart is here in the smaller, lower  
22 right-hand corner.

23 Q And you're pointing to the lower right-hand corner of  
24 Government's Exhibit 6. Is there also a yellow sign with a  
25 semicircular top about in the center near the bottom?

1 A Yes, sir.

2 Q What business is that?

3 A That's one of the businesses right here on the main strip.  
4 I think it's a Midas or Monroe, something to that effect, and  
5 then Hill Chiropractic is right there as well.

6 Q Is that a tire store?

7 A Correct.

8 Q And is that visible? Is this intersection visible in  
9 Government's Exhibit 5?

10 A Yes, sir. It's right here.

11 Q And you're pointing to -- in Government's Exhibit 5, on  
12 the right, you're pointing to where there's a Lowe's sign, in  
13 between the Lowe's and the Wal-Mart?

14 A Right. The Hill Chiropractic sign is here just at the  
15 stoplight, the Monroe Muffler shop is here, and the Wal-Mart  
16 intersection is all right there together.

17 **MS. PRYOR:** Your Honor, do you mind if I move closer  
18 just so I can see where they're pointing? I am unable to see  
19 it from here.

20 **THE COURT:** Why don't you hold it up so counsel can  
21 see it.

22 **THE WITNESS:** The Wal-Mart intersection is here where  
23 the blue sign is. We've got the yellow building, which is the  
24 muffler shop, tire shop there, and then just past that one with  
25 this other brick building behind it is the Hill Chiropractic



1 building.

2 **BY MR. RAMASWAMY**

3 Q I have a couple more.

4 Directly -- is Mr. Hill shown in this Government's  
5 Exhibit 6?

6 A He is.

7 Q In the space between his arm, is there a sign visible?

8 A It is.

9 Q Do you see that same sign in Government's Exhibit 5?

10 A Yes, sir.

11 Q What sign is that in Government's Exhibit 5?

12 A It's the Mexican restaurant sign, the El Parral.

13 Q And do you also see behind Mr. Hill in Government's  
14 Exhibit 6 what appears to be a yellow curb?

15 A I do.

16 Q Do you see that yellow curb in Government's Exhibit 5?

17 A I do. That is actually the Stultz Road intersection.

18 Q Can you tell on Government's Exhibit 5 the vantage point  
19 from which Government's Exhibit 6 was taken?

20 A That appears to be the grassy section behind the gas  
21 station, which is Fast Fuels.

22 Q I'm going to give you a pen. If you would mark on there,  
23 if you're able.

24 A Fast Fuels would be up here just out of camera view, and  
25 it would be down here in this corner in Photo 6.

1 Q So you placed a small dot on each photograph, which is the  
2 apparent vantage point on Government's Exhibit 5 from which  
3 this photo was taken; correct?

4 A Correct.

5 Q Do you see anything other than the store lights in  
6 Government's Exhibit 6?

7 A Yes, sir. There appears to be taillights from a vehicle  
8 passing at the intersection.

9 Q And that is on the photograph just to the right of the  
10 Defendant's leg with the black sock?

11 A Correct, which would be roughly two-thirds down the page,  
12 middle of the page.

13 Q In relation to this trail, do you -- strike that.

14 Let me show what's marked as Government's Exhibit 7, and I  
15 ask you to take a moment and look at that.

16 Have you seen that exhibit before?

17 A I have.

18 Q Would you describe what's in the exhibit?

19 A It's a roadmap of the city and locations of where the  
20 photos were originally started and a location of the time of  
21 the original call that we received from dispatch and  
22 approximate arrest location.

23 Q So there's four annotations on here. This 310 Forest  
24 Street, do you know what that is?

25 A That's down where the suspect lived, Mr. Hill.

1 Q And everything -- as far as the photographs, were those  
2 taken where it says photos taken here, 12:29 to 1:20 a.m.?

3 A Correct.

4 Q And I may not have asked you the time that the call came  
5 in to the police, but do you know what time that call came in?

6 A It was 3:12 in the morning.

7 Q And is this -- can you review the place where it says  
8 "arrest"? Is that accurate as to the place to which the  
9 Defendant was arrested?

10 A Yes, sir.

11 Q The distance between where the photographs were taken and  
12 where it shows the 911 call location was made, can you tell  
13 even approximately what distance was that?

14 A It's a couple of miles.

15 **MR. RAMASWAMY:** One moment, please.

16 **THE COURT:** Sure. While you're going through that,  
17 just so counsel has an idea, I can go until about 5:15 today.  
18 So if you think you need to go beyond that, we'll have to make  
19 arrangements.

20 **MR. RAMASWAMY:** I don't anticipate -- thank you, Your  
21 Honor. I am sorry to interrupt. I don't anticipate more than  
22 two other exhibits, and my evidence will be all through this  
23 witness.

24 **THE COURT:** All right.

25

1 **BY MR. RAMASWAMY**

2 Q I'm going to show you a four-page exhibit marked as  
3 Government's Exhibit 8, and I ask that you take a moment and  
4 look at that, please.

5 Sergeant Hill [sic], can you tell -- have you seen  
6 Government's Exhibit 8 before?

7 A I have.

8 Q What is it?

9 A It's the document that was found on the SD card in printed  
10 version that belonged to Mr. Hill that was on the camera when  
11 we did the search warrant.

12 Q So this document was on the same card as the photographs?

13 A Correct.

14 Q And I will show what's been marked as Government's  
15 Exhibit 9. I'll ask that you take a look at that.

16 In your examination of the contents of the camera card,  
17 did you observe the properties for that four-page document I  
18 just showed you?

19 A I did.

20 Q And is this a screenshot of the properties?

21 A It is.

22 Q And under the author, what does it say?

23 A Brian D. Hill.

24 Q Did you ever see anyone else on the trail that night  
25 besides Mr. Hill?

1 A No, that's the only person that I came into contact with.

2 Q Other than September 21, were you -- of last year, were  
3 you aware of other calls in reference to a naked person on that  
4 trail or in that area?

5 A We have had other calls in the city in reference to a  
6 white male running naked with a stocking cap on, which was  
7 consistent with Mr. Hill.

8 Q Did you get similar calls after Mr. Hill was arrested in  
9 this case?

10 A We've had, I know, two other calls for indecent exposure  
11 incidents, but they were both identified as not being Mr. Hill.

12 Q And you mentioned he was -- he was charged with indecent  
13 exposure; correct?

14 A Correct.

15 Q Are you familiar with the Virginia statute?

16 A Yes, sir.

17 Q I will show you what's been marked as Government's  
18 Exhibit 10, and ask that you take a look at that and see if you  
19 recognize that.

20 A Yes, sir.

21 Q What is Government's Exhibit 10?

22 A That is a printout of our state statute for indecent  
23 exposure.

24 Q And that's under your Virginia Code Section 18.2-387;  
25 correct?

1 A Correct.

2 Q That's what Mr. Hill was charged with?

3 A He was charged under our local statute, which mimics this  
4 just for funding purposes.

5 Q There was mention before about a trial. Was that a bench  
6 trial?

7 A Yes, sir.

8 Q So the current matter on appeal was on appeal for jury  
9 trial; correct?

10 A It was slated for a jury trial, yes, sir, it was.

11 Q Do you know when that was set for trial?

12 A It was a couple of weeks ago. It was continued. I'm not  
13 sure of the exact date. I don't have my calendar.

14 **MR. RAMASWAMY:** I have no other questions.

15 **THE COURT:** All right. Are you moving any of these  
16 in?

17 **MR. RAMASWAMY:** I'm sorry. I believe I moved for  
18 Government's Exhibit 1. For the remainder of the exhibits,  
19 we'd asked that they be admitted, and I believe two of them are  
20 under seal, Your Honor.

21 **THE COURT:** Any objection?

22 **MS. PRYOR:** No objections, Your Honor.

23 **THE COURT:** They are admitted, and Exhibit 1 and  
24 Exhibit 5 are under seal.

25 Ms. Pryor, any questions?

1                   **MS. PRYOR:** Yes, Your Honor.

2                                   CROSS-EXAMINATION

3 **BY MS. PRYOR**

4 Q       Can you tell us -- I believe you stated that the call came  
5 in around what time?

6 A       Around 3:12 in the morning.

7 Q       And was that the only call that you received?

8 A       It was.

9 Q       Okay. And at 3:12 in the morning, are any of the places  
10 that's on the map, I believe Taco Bell, the Mexican  
11 restaurants -- are those places open at that time?

12 A       The Greene Company that has the Taco Bell delivery truck  
13 is not open at that point. The Wal-Mart at that intersection  
14 is still open. Other than -- as far as the Mexican restaurant  
15 and the other restaurant right on the corner, they are not.

16 Q       I believe there is a Roses as well on that corner as well?

17 A       Correct.

18 Q       And Lowe's as well?

19 A       Yes.

20 Q       And are those open at that time in the morning?

21 A       No, ma'am.

22 Q       And when you did proceed to arrest my client at that time,  
23 how many people were around at that time?

24 A       It was me and him when he was placed in handcuffs in the  
25 woods. Another officer was coming down to us but had not made

1 it to us at that point.

2 Q Was there anyone on the trail at that time?

3 A I did not make any contact with anybody else at that time.

4 Q And you said what when you approached him? He was -- that  
5 he did -- he did lead you on a pursuit?

6 A Correct.

7 Q Do you recall about how long that pursuit was?

8 A It wasn't far. He made it to the bottom of the hill  
9 through the vines and brush and, like I said, jumped over a log  
10 into the creek out of my sight, which I was trying to give him  
11 commands to show me his hands at that point.

12 Q And you didn't see anyone when you were on that pursuit?

13 A No.

14 Q At the time -- these photos are clearly taken during the  
15 daytime with many cars, of course, on this, but at 3:12 a.m.  
16 when you were traveling, based on that call, did you see --  
17 about approximately how many cars was on the road at that time?

18 A This was not at -- when he was taken into custody, it was  
19 not at that intersection. It was farther up the trail towards  
20 the other side of the city.

21 Q Okay. So farther up the trail -- are there any  
22 restaurants farther up that trail?

23 A That actually comes out to another intersection where  
24 there's restaurants, some other businesses, and stuff like  
25 that. Those were not open during this particular time. It



1 proceeds up past the access for the hospital and continues on  
2 out to the Public Safety building, which is -- somebody's  
3 staffing that 24 hours a day.

4 Q Okay. And you said that the caller, based on the diagram  
5 on -- I believe that's Government's Exhibit No. 7. The caller  
6 that called in at 3:12 a.m., that was near I believe -- that  
7 looks like a Burger King; is that correct?

8 A Correct. Right there at that intersection for the Burger  
9 King is a 24-hour laundromat and just around -- if you take a  
10 right from there, you are in sight of the CVS that's open 24  
11 hours a day.

12 Q And that's not pictured here on Exhibit No. 5; correct?

13 A No.

14 Q And when you approached -- or when you did ask him to  
15 stop, did you have on your uniform at the time?

16 A I did.

17 Q And did you tell him that you were police at the time?

18 A I do not recall if I actually said I was police or not  
19 when I told him to stop; at which point, he went straight into  
20 the woods, and I began chasing him.

21 Q And once you did arrest him, you said that he had a  
22 flashlight and a book bag, and I believe you said one other  
23 item?

24 A There was a backpack on him. He had a large flashlight,  
25 like a square battery one, in his hand, and he also dropped a

1 small black flashlight while running.

2 Q And you were able to recover all of those things?

3 A We did.

4 Q Did he voluntarily provide you with his camera as well?

5 A He did. When he was explaining the situation, his first  
6 story as to what had -- the reason why he was out there that  
7 late, he gave us permission to look at -- one of the officers  
8 to look at the photos, and that's how we came about those.

9 Q Okay. And one of the things that he said at the time is  
10 that there was a male that was in a hoodie, that he was told  
11 that he had to take those pictures?

12 A Correct.

13 Q And did he tell you any other information about the male  
14 in the hoodie?

15 A He proceeded to explain to me that during this time frame,  
16 during questioning him and trying to get some more information  
17 about that -- he provided more information as to that male  
18 subject with the hoodie was working for the people that were --  
19 that had originally been in his original charges.

20 Q Okay. And did you investigate whether he -- whether there  
21 was some threat to his family or anything?

22 A Talking with him, the time frame didn't really add up to  
23 me at that point. We made contact with his -- tried to make  
24 contact with his mother that night. I don't know if anybody  
25 actually spoke to her. I don't recall.

1 Q Okay. But as part of your investigation, have you been  
2 able to find out whether there were some threatening matters  
3 that was sent to him or his family?

4 A I have not heard anything of that, no.

5 Q But do you -- but you didn't do the investigation?

6 A No.

7 Q Did Mr. Hill -- when you approached him, did he tell you  
8 that he had autism?

9 A He did.

10 Q And do you guys -- does your -- I would say does your --  
11 does the department train you on how to approach someone with  
12 autism?

13 A We deal with some academy-wise and not much follow-up  
14 after that.

15 Q Did he also tell you that he was a diabetic as well?

16 A I do not recall him telling me that, no.

17 Q Did he tell you that he was also OCD?

18 A Not that I recall.

19 Q And when you took him to the hospital, did they admit him  
20 into the hospital that night?

21 A No, they cleared him medically and psychologically and  
22 released him to us.

23 Q Okay. Did you get those reports from -- the medical  
24 reports?

25 A No, I did not do a subpoena for his hospital records.

1 Q Okay. Did you speak to a doctor or anyone regarding his  
2 condition or anything of that nature that night?

3 A We -- other than just checking with him to see if they  
4 were going to be releasing him or admitting him, no.

5 Q Do you recall any tests that were taken that night besides  
6 just checking, I believe you said, his knee?

7 A No, ma'am. Like I said, when we -- we also checked him  
8 for mental health issues is the reason why they cleared him  
9 psychologically, to make sure there was nothing going on there.  
10 Once they do that, they do lab work and other stuff. I didn't  
11 ask about his medical history.

12 Q Was there any tests dealing with his blood alcohol content  
13 or anything of that nature?

14 A I don't know if they did. Like I said, I did not get his  
15 records. They normally do, but I do not have that.

16 **MS. PRYOR:** No further questions, Your Honor.

17 **THE COURT:** Any redirect?

18 **MR. RAMASWAMY:** Briefly, Your Honor.

19 REDIRECT EXAMINATION

20 **BY MR. RAMASWAMY**

21 Q Counsel asked you about certain businesses and whether or  
22 not they were open in this time frame. Are there residences  
23 along this trail?

24 A It is.

25 Q Were there residences close to the trail?

1 A There are.

2 Q Are there residences where there's no obstruction between  
3 the residence and the trail?

4 A Yes, sir.

5 Q And this did, in fact, come in on a call of a report of a  
6 naked man; correct?

7 A Correct.

8 **MR. RAMASWAMY:** No other questions.

9 **MS. PRYOR:** I just have a follow-up on that.

10 **THE COURT:** All right.

11 **RE CROSS-EXAMINATION**

12 **BY MS. PRYOR**

13 Q Were any pictures taken in front of any houses?

14 A Not on the camera that I saw, no.

15 Q And the residences that he mentioned, are those residences  
16 behind trees on the trail?

17 A There's some that back up to it that you can see the trail  
18 from, along with -- the original call that came in, the trail  
19 actually runs right up the side of the road where the original  
20 call came in.

21 Q And did that call come in from a resident?

22 A No, it was a passerby in a car.

23 **MS. PRYOR:** Thank you. No further question.

24 **THE COURT:** What time did you say you were on the  
25 scene there the first time?



1 A Yes, sir, I have supervised him Mr. Hill since about  
2 July 1, 2015.

3 Q Okay. And as long as you have been supervising Mr. Hill,  
4 has he had any infractions besides the one that we are  
5 presently here for today?

6 A The only one was when shortly after he was released from a  
7 prior revocation hearing, for which he was not revoked, he was  
8 referred to sex offender specific treatment. After a short  
9 time of enrollment, the counselor advised that he was not  
10 amenable to treatment and recommended that he be terminated. I  
11 advised the probation office in this district, who had, in  
12 turn, advised the Court, and the determination was made that if  
13 he was otherwise stable with no other concerns or issues, we  
14 could just continue with supervision.

15 Q Okay. And so he continued on supervision.

16 Did he have the occasion to attend any mental health  
17 treatment?

18 A He saw a private counselor named Preston Page that was  
19 paid for by his Medicaid, I do believe. He maintained contact  
20 with Mr. Page, and I would check with Mr. Page occasionally to  
21 see how things are going.

22 Q Are you aware that Mr. Hill is diagnosed with autism?

23 A I am aware, yes.

24 Q And with your reaction and your interaction with him, have  
25 you found -- have you found to determine that you do see some

1 level of weaknesses when it comes to -- when it comes to your  
2 communication with him?

3 A Sometimes it can be difficult to communicate with  
4 Mr. Hill. So I have on many occasions -- he resides with his  
5 mother, and I have spoken with Roberta, is his mother's name,  
6 to see how things are going. And Mr. Hill has always been  
7 respectful. It is hard to communicate with him on --  
8 sometimes, but I will speak with his mother, and I have spoken  
9 with his grandparents on occasion as well.

10 Q Okay. And when you've talked to Mr. Hill, I think you  
11 stated it, has he been respectful with you?

12 A He has.

13 Q And did Mr. Hill tell you -- did you get an opportunity to  
14 speak to him about this particular violation hearing?

15 A In what regard?

16 Q Just has he talked to you about what happened or anything,  
17 that he spoke to the police officers and that nature?

18 A When he was incarcerated, he had submitted some letters.  
19 We have not spoken face to face or on the telephone regarding a  
20 violation.

21 Q And other than this violation that we're here today,  
22 Mr. Hill, to your recollection, has been in compliance with all  
23 of the conditions of his release?

24 A He's been in compliance since I have supervised him until  
25 his arrest.



1 Q Okay. Did you --

2 MS. PRYOR: Can I have one moment, Your Honor?

3 THE COURT: Yes.

4 (Pause in the proceedings.)

5 BY MS. PRYOR

6 Q Do you recall what date he was arrested for these matters?

7 A September 21, 2018.

8 Q Okay. And do you recall what date the federal -- that the  
9 federal Government -- or, let me say, the probation office  
10 filed their violation?

11 A I'm not aware of the exact date that the petition in North  
12 Carolina -- this district was filed, but I notified the  
13 probation office, and they proceeded to request the violation  
14 warrant. I'm not exactly sure of the date.

15 Q Okay. And do you recall whether Mr. Hill, once he was --  
16 once he was found guilty in Martinsville, did the Federal  
17 Government have a hold on his -- on his detainer?

18 A That is correct, because he was brought into magistrate  
19 court in Roanoke for his initial appearance on the violation  
20 proceedings.

21 Q Okay. And can you tell the Court what happened at the  
22 particular proceeding? Did you attend that proceeding?

23 A Yes, ma'am, I did.

24 Q First, did you attend that proceeding?

25 A Yes, ma'am, I was there.

1 Q And can you tell the Court what the judge recommended  
2 based on that proceeding that day?

3 A This took place on December 26, 2018. Magistrate Judge  
4 Ballou ordered that he be sent to Butner for a psychological  
5 evaluation.

6 Q And how many days was he supposed to be at that -- or go  
7 through that process?

8 A He was not returned to court until May 14th of this year,  
9 2019.

10 Q Okay. After he returned May 14th of this year, was he  
11 released at that time?

12 A Yes, ma'am, he was.

13 Q Okay. And he was released back home?

14 A Yes, to the home that he shares with his mother.

15 Q And did that Court find that he was not a flight risk at  
16 the time?

17 A Yes.

18 Q And since he's been home, I believe you said May 14, 2019,  
19 has he been in violation of that particular conditions of that  
20 release?

21 A No, ma'am.

22 Q Okay. And based on that release, that was -- based on  
23 that release on May 14, 2001 [sic], have you had a chance to  
24 visit him at home?

25 A Yes, monthly.

1           **MS. PRYOR:** No further questions, Your Honor.

2           **THE COURT:** Any cross?

3                           CROSS-EXAMINATION

4   **BY MR. RAMASWAMY**

5   Q     You mentioned previously that Mr. Hill's sex offender  
6   treatment or counseling was terminated because he was found not  
7   to be amenable to treatment; correct?

8   A     Yes, sir.

9   Q     Do you know what the nature of that was?

10   A    Yes, I do. Dr. Keith Fender of Radford Counseling advised  
11   that in group treatment Mr. Hill was not accepting  
12   responsibility for his underlining charge -- or conviction,  
13   rather, and that that would be a detriment to the group, and  
14   they determined that he should be removed from group, because  
15   part of that is that you accept responsibility and you work  
16   through what they call a workbook, which is a quite lengthy  
17   piece of material. So it was determined to remove Mr. Hill  
18   from the group.

19   Q     And counsel asked you if you had spoke to Mr. Hill about  
20   this incident. Did Mr. Hill admit the conduct in this  
21   violation, the conduct of this hearing?

22   A     We did not -- we have not spoken face to face. I have not  
23   asked him whether he committed the offense. He had written  
24   letters when he was in prison discussing the story that we  
25   heard previously about the individual asking him to take the

1 pictures.

2 Q Let me ask you -- I believe it's Government's Exhibit 8  
3 was the monthly supervision report for the month of  
4 August 2018.

5 A Yes, sir.

6 Q Have you -- did you previously see that exhibit?

7 A Yes, I have previously seen the exhibit.

8 Q Had you seen it before today?

9 A It is a copy of our monthly supervision report, which we  
10 receive timely every month from Mr. Hill, and it was  
11 representative of one that he sends me every month.

12 Q As far as being a registered sex offender and the  
13 conditions of his supervision, would that prevent him from  
14 going to parks and places where children congregate?

15 A I would have to review his conditions of supervision, but  
16 our standing order in the Western District of Virginia would  
17 require permission for someone to go to places that are  
18 primarily used by children.

19 Q Did Mr. Hill ever seek such permission in relation to the  
20 Dick and Willie Passage?

21 A In the past, he has asked for permission during the  
22 daytime hours to go on the trail to take pictures of wildlife  
23 and nature.

24 Q Now, the probation office's recommendation in this case is  
25 revocation; correct?

1 A That's correct.

2 Q Has that changed, to your knowledge, since the time the  
3 report has come up?

4 A To my knowledge, it has not.

5 **MR. RAMASWAMY:** No other questions.

6 **THE COURT:** Any redirect?

7 **MS. PRYOR:** Yes, just one.

8 REDIRECT EXAMINATION

9 **BY MS. PRYOR**

10 Q Did -- we've mentioned about the sexual offense program.  
11 Was there a workbook that was provided to Mr. Hill?

12 A To my knowledge, there was, and he completed it very  
13 quickly, which the workbook, as it's been explained to me, it  
14 takes quite some time to complete. There are numerous phases  
15 that you must go through, and it's not something that can be  
16 completed without presenting the material to the group and  
17 receiving feedback. It's not something that can be completed  
18 in a couple of weeks or even a month.

19 Q Okay. And every time that Mr. Hill has went out, Mr. Hill  
20 does inform you that he is traveling, or any of that nature;  
21 correct?

22 A Yes, ma'am.

23 **MS. PRYOR:** Thank you. No further questions, Your  
24 Honor.

25 **THE COURT:** You may step down, sir.

1 (At 4:37 p.m., witness excused.)

2 **THE COURT:** Any other evidence for the Defendant?

3 **MS. PRYOR:** Yes, Your Honor.

4 **THE COURT:** All right.

5 **MS. PRYOR:** I call Ms. Roberta Hill, Your Honor.

6 **ROBERTA HILL,** DEFENDANT'S WITNESS, being first duly sworn,  
7 testified as follows at 4:37 p.m.:

8 DIRECT EXAMINATION

9 **BY MS. PRYOR**

10 Q Can you tell us your name for the record.

11 A Roberta Ruth Hill.

12 Q And what is your relationship with Mr. Brian Hill?

13 A I'm his mother.

14 Q Okay. And where does Mr. Hill stay in comparison to where  
15 you stay?

16 A In the apartment below my apartment at 310 Forest Street,  
17 Apartment 2.

18 Q And so is this a type of duplex type of home?

19 A Yeah, it is.

20 Q Okay. And so do you work during the daytime?

21 A No. I'm at home, and I can check on him any time during  
22 the day and night.

23 Q Okay. And so at one time, you guys were having some  
24 issues in the same home that Mr. Hill lives in dealing with the  
25 chimney; correct?

1 A Yes. There was damage in his apartment with water damage  
2 on his wall and ceiling in his living room.

3 Q Did you call someone to get that fixed?

4 A Yeah, I did.

5 Q Do you recall what the name of that company was that you  
6 called to get that fixed?

7 A No, I can't recall the name of the company.

8 Q Do you recall how much you paid for getting it fixed,  
9 getting the chimney fixed?

10 A They put -- he found out that it had been -- are you  
11 talking about the first time before --

12 Q Yes, I'm talking about the first time that you got your  
13 home --

14 A Yeah, that was \$300 to get it fixed. I was trying to keep  
15 birds from going into the chimney.

16 Q Okay. And so you had a professional come out to get that  
17 fixed?

18 A Yes.

19 Q And was there an occasion that you had that same  
20 professional come back out to review it because of some issues  
21 that you stated?

22 A Yeah, there was another fireplace company that came out to  
23 take a look at it in January 30 of 2019.

24 Q Okay. And when they came out to fix it, did they tell you  
25 of anything that might have been happening in the home at the

1 time?

2 A Yeah, he said that he found out that all three flues of  
3 the chimney had been completely sealed off, and that means that  
4 my furnace and hot water heater was venting out through our  
5 apartments into -- he said that we would have had carbon  
6 monoxide coming into our apartments.

7 Q Okay. And do you recall what date that you had that  
8 particular professional come out and say that?

9 A January 30, 2019.

10 Q Okay. And Mr. Hill was -- and you do recall that Mr. Hill  
11 was arrested for indecent exposure in Martinsville, Virginia?

12 A Yes.

13 Q Okay. And do you recall what that date was?

14 A September 21, 2018.

15 Q Okay. Did Mr. Hill -- and do you recall Mr. Hill having a  
16 trial in Martinsville, Virginia?

17 A Uh-huh.

18 Q And were you present for that trial?

19 A Not the first trial. I was present for the trial in  
20 December, December 21, I think.

21 Q Okay. Did he get a chance to come home?

22 A No, he did not.

23 Q Okay. And do you recall the first time that Mr. Hill got  
24 a chance to come home after that particular -- after the first  
25 time he was arrested?



1 A He came home on May 14, 2019.

2 Q Okay. And did Mr. Hill -- do you recall if Mr. Hill went  
3 to the doctor any time in between that time?

4 A Yeah, he fell down one night. I guess he passed out and  
5 hit his head on a desk in his office and managed to somehow get  
6 back to his bedroom and fall asleep and whenever -- I set my  
7 alarm at 4:30 in the morning to check on him, check his blood  
8 sugar. I went down there. I saw all the blood on the pillow  
9 and realized something had happened, checked his blood sugar,  
10 treated an insulin reaction, and then I called 911 because I  
11 didn't know what had happened to him, and I saw that there was  
12 a gash above his eye. So the paramedics came out. They  
13 recommended for him to go to the hospital. He refused to go in  
14 the ambulance. So it took four hours for him to go through his  
15 OCD routines before I could get him to the emergency room.

16 Q Do you recall when that occurred, about the date when that  
17 occurred?

18 A That was during the winter, right after I first got the  
19 chimney fixed to keep birds from going into the chimney. It  
20 happened right after that.

21 Q Okay. And you stated that it took about four hours for  
22 you to get him to the hospital. I believe you mentioned OCD?

23 A Yeah, he has obsessive-compulsive disorder, and he does  
24 lengthy hand-washing routines and shower routines.

25 Q Okay. And how long has he been doing that?

1 A He's been doing that since he was in 6th grade.

2 Q Okay. And is Mr. -- has Mr. Hill been diagnosed with  
3 autism?

4 A Yes.

5 Q When was he diagnosed with autism?

6 A When he was four years old, he was diagnosed by Teacch in  
7 Greensboro.

8 Q And does he have -- and based on him being diagnosed with  
9 autism, do you have difficulty communicating with him?

10 A Yeah.

11 Q And what do you -- tell the -- can you tell the Court what  
12 that means for you and your family?

13 A Yeah, communication problems. Sometimes when I try to  
14 explain something to him, he doesn't quite understand what I'm  
15 saying, or he's unable to see my perspective, and sometimes he  
16 will get a little upset about it, which isn't unusual for  
17 people with autism. So I have to further explain things, or I  
18 have to be quiet and let him cool down --

19 Q Okay.

20 A -- before I can talk to him.

21 Q Does he get treatment for autism?

22 A No. There really -- when he was a kid, he was put on two  
23 or three different medications that never really helped him.  
24 So we had -- Teacch was coming out to help a little bit with  
25 the school, but other than that --

1 Q Does he get any treatment now for any mental health or  
2 autism now?

3 A No, not for the autism. He is going to a counselor.

4 Q Okay. And what does he go to the counselor for?

5 A He goes to Piedmont Counseling a couple times a month  
6 because that's what they wanted -- a condition of his bond.

7 Q And does he -- is he taking any medication at this time?

8 A Yeah, he's taking a medication to help with the OCD and  
9 anxiety. I think it's called Zoloft. I'm not sure.

10 Q Okay. That's okay.

11 And as far as -- you mentioned carbon monoxide. Is he  
12 taking any -- do you recall if he took any medication for the  
13 carbon monoxide treatment?

14 A No, no, he didn't. We didn't know until four months after  
15 he was arrested that we had carbon monoxide in our home.

16 Q Okay. And once you found out that you had carbon monoxide  
17 in your home, have that been treated in your home at this time?

18 A Yeah, we got it fixed. He unplugged the flue that went to  
19 the heater and the hot water heater, and he put a chimney cap  
20 on the top. So we don't have any more problems with that.  
21 And, plus, we got two carbon monoxide detectors in my apartment  
22 and in his apartment.

23 Q Okay.

24 **MS. PRYOR:** I have no further questions, Your Honor.

25 **THE COURT:** Any examination from the Government?

1                   **MR. RAMASWAMY:** Yes, Your Honor.

2                                   CROSS-EXAMINATION

3 **BY MR. RAMASWAMY**

4 Q     Ms. Hill, you're pretty familiar with your son's case;  
5 correct?

6 A     Yes.

7 Q     He files things pretty frequently with the court?

8 A     Yes.

9 Q     Do you assist him with that?

10 A    No. That's his -- I'm not even into legal stuff. He's  
11 the one that works the legal information, other than I might  
12 look up information for him.

13 Q    You're saying you don't read what he files?

14 A    Sometimes, not all the time because sometimes he's  
15 impulsive, and he does it in the middle of night when I'm  
16 sleeping, so, no.

17 Q    Well, if he's filing things in the middle of the night,  
18 does he have Internet access?

19 A    No, he does not. He faxes.

20 Q    He faxes them?

21 A    Uh-huh.

22 Q    Some of these things are -- they're filed online, though,  
23 aren't they?

24 A    No.

25 Q    Are you familiar with his story that someone forced him to

1 take these pictures?

2 A Yes, I am.

3 Q That's a story that he repeated for some time, wasn't it?

4 A Yes.

5 Q And it's also in documents that he filed with the court,  
6 isn't it?

7 A Yes.

8 Q And at some other time, we have his story that carbon  
9 monoxide was to blame; correct?

10 A Right.

11 Q Does that coincide about when Mr. Hill found out there was  
12 a probation report on the same memory card?

13 A I don't know.

14 Q You live in the same house with Mr. Hill; correct?

15 A I'm in the apartment above his apartment.

16 Q It's a house?

17 A Yes, connected.

18 Q Yes. You live in the same house with Mr. Hill; correct?

19 A Yes.

20 Q And you claim -- or you're stating there was some type of  
21 carbon monoxide problem for which you're trying to relate  
22 Mr. Hill's conduct on September 21, 2018; right?

23 A Right. I saw some things with his behavior prior to that  
24 time, that I didn't know what was going on, but I thought that  
25 he was acting oddly. But, also, I was being exposed, too, and

1 I had some problems that I was dealing with, and I didn't  
2 understand what was going on.

3 Q So this wasn't fixed until, I believe you said,  
4 January 30, 2019; correct?

5 A That's whenever it was inspected and we found out about  
6 the problem, and he removed the tin, yes.

7 Q So from September 21, 2018, to January 30, 2019, if you  
8 had such a problem, nothing was done to fix it; right?

9 A Right.

10 **MR. RAMASWAMY:** No other questions.

11 **MS. PRYOR:** Just a follow-up.

12 REDIRECT EXAMINATION

13 **BY MS. PRYOR**

14 Q So from September of 21, 2019 -- I mean, 2018, to, I  
15 believe you said, January of 30 of 2019, did you see some  
16 problems in your home that was happening?

17 A Yeah. The water damage in my son's apartment got  
18 increasingly worse. The ceiling started falling down. I  
19 didn't know what was going on because my apartment is right  
20 above his, and I wasn't getting any water damage. So I thought  
21 initially it has to be the foundation. So I called the  
22 foundation place, and they could only come three months later.  
23 So I waited for that, and they said it's not the foundation.  
24 They thought maybe it's the chimney or the roof. I got a  
25 roofing company in. They recommended putting a chimney cricket

1 in front of the chimney. They thought that would stop it. So  
2 I got that done. That didn't stop it. So then I called a  
3 fireplace expert out to take a look at it, and he found out  
4 that it had been sealed up.

5 Q And also -- you mentioned that there was also some things  
6 that were affecting Mr. Hill during that time that you couldn't  
7 figure out. Can you describe some of those things for the  
8 Court?

9 A He was saying that he couldn't think, he couldn't focus,  
10 and he was extremely tired. I also was extremely tired, and I  
11 didn't know why. I was complaining to my parents. So both of  
12 us were complaining about things like not being able to think  
13 clearly.

14 Q Okay.

15 **MS. PRYOR:** No further questions, Your Honor.

16 **MR. RAMASWAMY:** One follow-up.

17 **REXCROSS-EXAMINATION**

18 **BY MR. RAMASWAMY**

19 Q Would those things happen more often when you were inside  
20 the home with the carbon monoxide?

21 A Yes.

22 Q You've heard the testimony about the conduct; correct?

23 A Yes.

24 Q That happened outside, didn't it?

25 A Yes, but, I mean, I was always tired for that period of

1 time. So, I mean -- and my son was constantly complaining  
2 about not being able to think. I can't really say that that  
3 was inside the house or outside the house. It was just  
4 continually during that time span that we were having problems.

5 Q As a matter of fact, the testimony showed, based on the  
6 camera card time, he was outside for several hours on  
7 September 21, doesn't it?

8 A Yeah.

9 Q That's not consistent with inhaling carbon monoxide, is  
10 it?

11 A Well, from what I've read online, it can cause a lot of  
12 different problems. That can -- it could affect your  
13 neurological system. I also was having a lot of head shaking  
14 going on. My parents noticed that. So it can affect  
15 neurological problems in the body.

16 **MR. RAMASWAMY:** No other questions.

17 **THE COURT:** All right. You may step down.

18 (At 4:51 p.m., witness excused.)

19 **MS. PRYOR:** No further evidence, Your Honor.

20 **THE COURT:** Since the Government's got the burden  
21 here, I would be happy to hear from the Government.

22 **MR. RAMASWAMY:** Your Honor, in this case, the  
23 violation is the Defendant committed the criminal violation of  
24 the Virginia Code for indecent exposure. I have given the  
25 Court the statute, but, here, if it had only been the phone



1 call and the arrest, that's one thing, but we have a series of  
2 photographs which are just plainly inexplicable.

3 As to the violation itself --

4 **THE COURT:** Let me ask a question about the  
5 photographs. They are taken from a distance. How does  
6 somebody take a photograph from a distance like that?

7 **MR. RAMASWAMY:** I would ask the Court to note a  
8 couple of things. One is the officer's testimony about  
9 flashlights. He had two flashlights. And, second, in the  
10 vantage point of the photographs themselves, note the proximity  
11 of the ground, and it would be our contention the camera is  
12 simply set on the ground and a timer is used. As a matter of  
13 fact, some of them appear to be retakes. Where Government's  
14 Exhibit 1, for instance, the top right photo, sanyo096, is too  
15 dark, the next photograph in sequence sanyo097 is well lit. In  
16 effect, it supports the inference that he repositioned the  
17 lights in order to more clearly take the photographs.

18 There's no one else depicted in these photographs.  
19 In every one of them, they appear to be taken with the camera  
20 set on the ground.

21 **THE COURT:** All right.

22 **MR. RAMASWAMY:** In this case, as to the conduct  
23 itself -- I'm not at this point addressing anything else -- two  
24 things. His initial story is clearly impossible, that someone  
25 gave him a camera and told him to take these pictures under

1 threat of his family, the fact that his violation -- his report  
2 to his probation officer is found on the same memory card with  
3 him being shown as the author, the conduct for a registered sex  
4 offender convicted of child pornography offenses to be naked,  
5 not just exposing himself -- this would be a different matter  
6 if Mr. Hill had simply been walking and chose to relieve  
7 himself and could have technically violated the statute, but  
8 Mr. Hill was wearing socks, sandals, and a hat, and that's all.

9 As shown on Government's Exhibit 7, the map with the  
10 annotations, the photographs are taken some distance away, not  
11 only from his residence, but where he was observed and reported  
12 to the police naked and where he's arrested, that the duration  
13 of the conduct, the nature of the conduct, photographing the  
14 conduct for whatever reason all support the violation. We  
15 would ask that he be found in violation.

16 **THE COURT:** All right.

17 Ms. Pryor?

18 **MS. PRYOR:** Thank you, Your Honor.

19 Your Honor, we, of course, would ask that he does not  
20 be found in violation, Your Honor. As you've had the  
21 opportunity to hear, Your Honor, the statute does indeed state  
22 that every person who intentionally makes an obscene display or  
23 exposure of his person shall be found guilty of a Class 1  
24 misdemeanor.

25 Your Honor, I believe that we presented evidence here

1 today that would discredit the intent of the party, or the  
2 intent of Mr. Hill. One of the elements that we are faced here  
3 with is the intent element here. Your Honor, I believe that  
4 the Government, one, has not provided the intent and, two, that  
5 this Court has the opportunity to determine the facts that were  
6 presented today to determine whether the intention of the party  
7 was to make an obscene display or expose himself -- exposure of  
8 himself.

9           Your Honor, you had the opportunity to hear from his  
10 mother, who stated that at the time of this incident that there  
11 has been evidence that there was some carbon monoxide that had  
12 been displayed in their home, and based on that, Your Honor,  
13 she went further to state that in her research, Your Honor,  
14 when it comes to carbon monoxide, that based on that research,  
15 that it does causes some level of delusion, some level of --  
16 they even talked about -- she even discussed possibly that they  
17 were beginning to have some headaches, that there were some  
18 things that --

19           **THE COURT:** How do I rely on that in this hearing?  
20 That's hearsay, and it's --

21           **MS. PRYOR:** It is hearsay.

22           **THE COURT:** I mean, it's not -- it's scientific  
23 evidence, and there's no indication she's qualified to -- I  
24 don't even know what her source was, whether it was Wikipedia  
25 or what have you. So I am concerned about whether there's

1 enough scientific foundation for any conclusions about the  
2 effect of carbon monoxide.

3           **MS. PRYOR:** Your Honor, we do understand that, Your  
4 Honor, but the factual part of what she did state was the  
5 things that affected her, Your Honor, and the things that she  
6 did, who has been his caretaker -- the things she saw affect  
7 him.

8           So, Your Honor, we would state that there was some  
9 level of affect that was going on that can be determined just  
10 to Mr. Hill presently, Your Honor, that would show some level,  
11 and then to actually have the evidence that there was some  
12 carbon monoxide and to begin to start the process of fixing it.

13           So, Your Honor, we would state that Mr. Hill, based  
14 even on this -- based on this statute, that the intent factor  
15 has not been met here today, Your Honor, and that he should not  
16 be found in violation of his release conditions, Your Honor.

17           **THE COURT:** Okay. I am going to find that the  
18 preponderance of the evidence demonstrates that Mr. Hill did  
19 violate the condition of release by violating the Virginia Code  
20 18.2-387. As the officer testified, it's actually the local  
21 version, but it's apparently the same statute, and that's what  
22 he's charged with in that he did intentionally expose himself  
23 and make an intentional either obscene display and actually  
24 exposure -- intentional exposure of his person. The  
25 photographs are evidence of that.

1           He's also seen, by the officer's independent  
2 testimony, to have been naked at the time and was running  
3 around the neighborhood. So I credit the testimony of Sergeant  
4 Jones and find him to be credible and that about September 21,  
5 2018, that the Defendant was naked and running around  
6 Martinsville, Virginia, taking pictures, which are indicated in  
7 the Government's exhibits.

8           As to the testimony about intent -- or the argument  
9 about intent, the evidence on a preponderance basis  
10 demonstrates that Mr. Hill intended to do this. The story  
11 about him being forced to do this by another individual finds  
12 no support in the record. It's also inconsistent with some of  
13 the information that's testified to by Sergeant Jones, who -- I  
14 went back and was just checking his testimony, who did say that  
15 the other individual, the male, asked him to -- or demanded he  
16 take pictures. There's no testimony by anybody that there was  
17 any kind of threat like that made, and the camera that  
18 allegedly was given to Mr. Hill to take these photos, it  
19 strikes me as virtually impossible that it would contain a copy  
20 of the Defendant's own court records. So that's inconsistent  
21 with that story as well.

22           So I'm going to find the preponderance of the  
23 evidence demonstrates the Defendant violated Virginia law by  
24 indecently exposing himself at the time alleged. So I'm going  
25 to find as well that the violation was willful and without

1 lawful excuse.

2 He originally was convicted of a Class C felony.  
3 He's a Criminal History Category I. This is a Class C  
4 violation. The guidelines provide a 3- to 9-month advisory  
5 imprisonment range. The most that can be imposed on him is 24  
6 months.

7 As to supervised release, the original term of  
8 supervised release available under the statute is, I believe, 5  
9 years to life. He had had 10 years of supervised release  
10 imposed by Judge Osteen, but the term that's available could be  
11 5 years to life under the statute.

12 I will say it would be my intention to work off the  
13 10 years and work -- and consider nothing more than the 10  
14 years that Judge Osteen -- that's the maximum that I would  
15 consider for supervision. Does that make that clear?

16 **MS. PRYOR:** Thank you, Your Honor.

17 **THE COURT:** That would be my intention, but I would  
18 be glad to hear from you all as to that.

19 So do you agree or disagree that those are the proper  
20 guidelines?

21 **MS. PRYOR:** That was the proper guidelines, Your  
22 Honor.

23 **THE COURT:** Mr. Ramaswamy?

24 **MR. RAMASWAMY:** Yes, Your Honor.

25 **THE COURT:** So I've got about 10 minutes, and we can

1 continue this, if we need to, in the morning or on another  
2 date. I would be happy to hear from you as to an appropriate  
3 disposition in this case.

4 **MS. PRYOR:** Thank you so much, Your Honor.

5 Your Honor, today we are asking Your Honor -- I would  
6 note, and I think you heard on testimony as well, that Mr. Hill  
7 was on a federal detainer. I believe it began on December --  
8 we tried to come to a date about, but I believe it was around  
9 December 21 of 2018, and he was held into custody until May 14  
10 of '19. So, Your Honor, that's give or take about 6 months  
11 already.

12 This violation, as you note from the guidelines, Your  
13 Honor, is a -- falls within that period of time, Your Honor. I  
14 believe 6 months is, I believe, in the revocation that they  
15 were asking for. It was around the middle, which would put us  
16 right at that 6-month period.

17 Your Honor, we would ask that you would give him  
18 credit for time served for that particular time, to continue  
19 him on supervised probation that you've -- I mean, I'm sorry,  
20 supervised release, Your Honor, pending that, but, Your Honor,  
21 I do believe that he has served and he was -- as we can recall,  
22 he was on that detainer, Your Honor. He could not leave, of  
23 course, or if he even -- with the bond. So we can conclude  
24 that he definitely was on a federal detainer at that time. He  
25 did get released on conditions from the Virginia -- from

1 Virginia, and so that would also conclude that he did have that  
2 time and it was through the Federal Government.

3 **THE COURT:** Will the Bureau of Prisons give him  
4 credit for the time that he was sent to Butner as time-served  
5 credit or not?

6 **MS. PRYOR:** I'm not sure, Your Honor. I actually  
7 called the Bureau of Prisons before so I could know that  
8 answer. That was actually my question as well. Your Honor,  
9 I'm not sure how that process works, and I was waiting on  
10 someone to call me back from the Bureau of Prisons. And I  
11 believe the attorney was supposed to call me back in order to  
12 conclude that or give us an estimation of whether the Bureau  
13 does consider time when you're determining competency, whether  
14 that time is conclusive or does it even give them credit for  
15 that when it comes to a sentencing term.

16 So, Your Honor, I don't have that answer. I would  
17 like to, of course, get that answer, Your Honor, because as I'm  
18 standing here asking for you to use it as credit, I can't  
19 factually or be able to --

20 **THE COURT:** I understand.

21 **MS. PRYOR:** Okay. Thank you.

22 **THE COURT:** Anything further?

23 **MS. PRYOR:** So, Your Honor, I would ask -- of course,  
24 that is the sentence that they have requested, but, Your Honor,  
25 we would ask the Court for the bottom of the guidelines, Your



1 Honor.

2 I would remind the Court that he does have autism. I  
3 remind the Court that he has OCD. I remind the Court that he  
4 does have some debilitating health issues that he does have  
5 that deals with his diabetes.

6 Your Honor, Mr. Hill in custody or in prison is very  
7 destruction to him as a person, who does see things and  
8 perceive things, of course, differently than we do as being on  
9 the autism spectrum.

10 **THE COURT:** Is he still in custody now?

11 **MS. PRYOR:** He is not in custody now.

12 **THE COURT:** He was released May 14?

13 **MS. PRYOR:** He was, Your Honor.

14 **THE COURT:** From Butner?

15 **MS. PRYOR:** No, he was released from court, Your  
16 Honor. He actually got out of Butner I believe it was around  
17 February, and then he was -- then he went back to court, and  
18 then he was released on conditions.

19 **THE COURT:** So he was released from Butner in  
20 February?

21 **MS. PRYOR:** He was released from Butner in February.  
22 They sent him to another custody situation, I guess, just in  
23 the process, and some things -- and this is why I bring this  
24 up, too. Because of his autism, he has some issues in the jail  
25 with one of the wards, and they were supposed to send him back

1 directly after, but they put him in some level of solitary in  
2 another jail.

3 All in all, he didn't get back, of course, until  
4 May 14, and so that's why I stand here and ask for the credit,  
5 because I would hope that the Court would -- and I say that  
6 because we do understand that you've made that he has violated  
7 this, and based on that, there is a punishment that must go  
8 with it; but, Your Honor, I would state because of his  
9 condition and because of OCD and because of autism, the courts  
10 and BOP, having to learn to deal with someone with autism, I  
11 don't believe that they are there yet, which makes it difficult  
12 on the person. And because of -- you know, because of that,  
13 Your Honor, I would ask that if you do find that you want to  
14 sentence him, there are some other alternative ways of  
15 sentencing him. He's been successful, as you heard from his  
16 probation officer, being at home, home detention where he  
17 cannot leave --

18 **THE COURT:** Before you go on further, let me just see  
19 what the Government's position is, but I don't know if they're  
20 opposing. He's essentially been incarcerated now for close to  
21 6 months, in some form or another.

22 Are you opposing some kind of sentence that would be  
23 in effect a time-served sentence?

24 **MR. RAMASWAMY:** Yes, Your Honor.

25 **THE COURT:** Okay.

1           **MS. PRYOR:** And so, Your Honor, there are some other  
2 alternative ways of doing prison -- or doing punishment. As  
3 you heard, Mr. Hill has been successful with being at home. He  
4 can be placed on home detention. He can have an electronic  
5 monitor. He can be placed on home detention for up to 6  
6 months, even up to a year, if Your Honor so requires.

7           Him being at home, he has the opportunity to -- I  
8 mean, he won't have the opportunity to leave. His family does  
9 travel, and they do enjoy traveling. He won't have the  
10 opportunity to travel, some of the things that he takes -- some  
11 of the things that he enjoys doing.

12           Your Honor can also make it any other conditions  
13 that, of course, Your Honor would provide, but, Your Honor, I  
14 would ask because of what he -- because he's been successful  
15 through his probation of showing that he is consistent about  
16 sending his report, he's consistent about contacting them, he's  
17 consistent about making sure that they know where he is at all  
18 times, he's consistent about being respectful to the officer,  
19 so I would state that having him at home with his family and  
20 even if -- like I say, even if it's more closed in where he  
21 cannot leave the home I think would still satisfy the  
22 punishment that is here.

23           As you heard, he does -- I believe they stated that  
24 he walks that trail even during the daytime. So he does enjoy  
25 going outdoors. So having the -- where the Court would tell

1 him he could not go outdoors anymore is a punishment as well.

2           So, Your Honor, I do believe that you can satisfy the  
3 factors here of the condition of him being at home on  
4 detention. Whether 6 months to a year, you can satisfy the  
5 condition of whether it would be a deterrence because, as you  
6 note, Mr. Hill does like to travel with his family. So that is  
7 the deterrence, that he won't be able to travel.

8           And being with his autism, his mindset and what he  
9 thinks is differently than what it is for us or any other  
10 prisoner that we could sentence to custody. His punishment is  
11 just the violation, being sentenced to -- him being violated.  
12 That's the difference of the sentence that he gets here today.

13           So, Your Honor, I would just ask that you would  
14 consider those other alternative ways of punishment today and  
15 that you would sentence him within the guidelines but through  
16 alternatives ways of doing it.

17           **THE COURT:** All right.

18           **MS. PRYOR:** Thank you.

19           **THE COURT:** All right. Mr. Ramaswamy?

20           **MR. RAMASWAMY:** Your Honor, I don't wish to  
21 prolong -- I don't wish to speak so long that the Court is  
22 going to miss any deadlines.

23           **THE COURT:** Well, how long do you want to speak?  
24 What is it the Government's arguing for?

25           **MR. RAMASWAMY:** I would first say that the Defendant

1 is a registered sex offender who spent at least three hours out  
2 that night naked, photographing himself for some unknown  
3 reason. And the Court has also heard testimony that there were  
4 other reports of a naked man in a stocking cap, and he's shown  
5 wearing a stocking cap prior to this, and that there were no  
6 such reports after Mr. Hill's arrest.

7           This is not Mr. Hill's first violation. He was not  
8 revoked last time, and I'm not saying that would have been  
9 appropriate; but on these facts, it is completely appropriate.  
10 The probation officer is recommending the high end here. Under  
11 the Chapter 7 limits and not going into Protect Act, I would  
12 concur with that. I would ask the Court to sentence him to the  
13 9 months. I don't know if whatever time he spent in the  
14 evaluation counts. I can't say.

15           **THE COURT:** Should I take that into account? I mean,  
16 he was essentially locked up for 6 months.

17           **MR. RAMASWAMY:** Yes. I'm not saying it's not  
18 appropriate that the Court take it into account, but I don't  
19 think simply telling Mr. Hill to stay at home and make him wear  
20 a monitor -- he's proven he can't self-regulate. He's  
21 consistently denied the offense conduct of the original  
22 offense, of the other violation. It's always some nefarious,  
23 outside force that makes Mr. Hill do things, now from someone  
24 handing him a camera until, here, carbon monoxide. Mr. Hill  
25 has consistently shown he doesn't take responsibility for what

1 he does, and he's inappropriate to trust in the form of  
2 self-regulation.

3 **THE COURT:** What role does his autism play in all of  
4 this?

5 **MR. RAMASWAMY:** I think we're all familiar with  
6 what's in the reports as to his mental state. More than the  
7 autism, there is the diagnosis of delusional disorder. That is  
8 in his prior records. I think the Court has dealt with persons  
9 with autism before, and that's a larger topic to get into than  
10 here. I think we've all been considerate. The Government, the  
11 Court, the Court in the original case, counsel has been  
12 considerate of the Defendant's mental condition, but on this  
13 conduct, there is an overriding concern of public safety.

14 Even at the high end of what's recommended, it's  
15 likely lower than someone without Mr. Hill's condition would  
16 have gotten on these facts.

17 **THE COURT:** So what's the punishment for this in  
18 Virginia? He's been convicted. What has he been sentenced to?  
19 Do you know?

20 **MR. RAMASWAMY:** I don't know what the original  
21 sentence was.

22 **THE COURT:** Ms. Pryor probably knows. What was his  
23 sentence?

24 **MS. PRYOR:** Your Honor, he was given credit for  
25 time -- he was given credit for time served. I believe it was

1 a 60-day sentence, Your Honor, because it's less than a year.

2 **THE COURT:** Okay. Was that in addition to the 6  
3 months he was in federal custody?

4 **MS. PRYOR:** No, that was not, Your Honor.

5 **THE COURT:** All right.

6 **MR. RAMASWAMY:** Thank you, Your Honor.

7 **THE COURT:** Mr. Hill, is there anything you would  
8 like to say on your own behalf before I make a decision as to a  
9 disposition of your case? Let me say to you that you have no  
10 obligation to speak. You enjoy the right to remain silent  
11 under our Constitution. If you wish to remain silent, I will  
12 not hold that against you. On the other hand, if you would  
13 like to say anything before I make a decision, this would be  
14 the right time.

15 **THE DEFENDANT:** Respectfully, yes, I do, Your Honor.  
16 I would like to bring up that I have been involved in a 2255  
17 motion since 2017. If I have to admit guilt to something I did  
18 not do, I would be committing over five acts of perjury. So am  
19 I going to be required by the probation office to commits acts  
20 of perjury, because I kept saying under penalty of perjury, I'm  
21 innocent? I filed something that the guilty plea cannot be  
22 valid if I withdrew it. The 2255 is still pending before  
23 this Court, and to force me to admit guilt to something I did  
24 not do is detrimental and puts me at risk of multiple perjury  
25 charges.

1           And the carbon monoxide -- I have a lot of proof,  
2 Your Honor. I've got sinus tachycardia. I've got abnormal red  
3 blood cell count, abnormal white blood cell count. All these  
4 are in medical records, and the National Institute of Health --  
5 my mom has documents from the National Institute of Health and  
6 government agencies saying that carbon monoxide can be linked  
7 to all kinds of problems that I had had last year, like  
8 psychosis and hallucinations. And I have credible government  
9 documents that all backs up everything I'm saying. That's why  
10 I sent a letter to Martinsville Police Department on the  
11 conduct, apologizing and saying that, look, carbon monoxide  
12 caused this.

13           There might be a guy in a hoodie. There was a  
14 threatening greeting card that my mother did receive that said  
15 they will do a controlled action against my mother if she  
16 doesn't stop putting stuff on YouTube. If she doesn't stop  
17 what she's doing, they're going to commit a controlled action  
18 against her. That was July 2018.

19           Your Honor, there's a lot more evidence that couldn't  
20 be presented at this hearing. We needed more time. That's why  
21 I filed the notice of interlocutory appeal. We would have had  
22 witnesses to come and testify. We need more time, and I need  
23 to go through the state appeal because I am actually innocent.  
24 According to my lawyer, Scott Albrecht, the public defender of  
25 Martinsville, he said, you are innocent because you did not



1 engage in obscene-type conduct. And that means, you know, I  
2 never masturbated. I never did anything sexual. I was just  
3 naked. So he said that I am legally innocent under the  
4 Commonwealth of Virginia. That's why I'm appealing it so that  
5 I could be found actually innocent, and I plan to file a motion  
6 for the writ of actual innocence in Virginia. Even though it's  
7 normally sent to -- you know, felonies, I'm going to try to  
8 push for it, and I'm going to ask the Attorney General to have  
9 me found actually innocent because I am actually innocent.

10 **THE COURT:** All right, sir.

11 Can I speak to the probation officers briefly,  
12 please?

13 (Off-the-record discussion.)

14 **THE COURT:** All right. I've already found by the  
15 preponderance of the evidence that the Defendant violated the  
16 valid conditions of his supervised release, and the violation  
17 was willful and without lawful excuse. I'm going to order that  
18 the supervised release term be revoked.

19 I've considered the factors under 3553(a) that apply  
20 under 3583(e) in this case, and one of the factors is the  
21 nature and circumstances of the offense. Here, the Defendant  
22 was exposing himself throughout the city of Martinsville, and  
23 the photos are part of the record in this case, which indicate  
24 how he exposed himself, which is proof of the exposure, which I  
25 found to be a violation of the indecent exposure law in

1 Virginia.

2 Another factor is the history and characteristics of  
3 the Defendant. I've considered the multiple factors here  
4 indicated, including the Defendant's autism and his OCD, the  
5 diabetes, his age.

6 And I'm concerned about deterrence because this is  
7 the second hearing we've had on revocation. The exposure in  
8 this case was intentional and purposeful. There's really no  
9 way to explain otherwise. He's running around naked, taking  
10 pictures of himself and posing for the pictures of his  
11 genitals, and he's doing it in the open in the public. How he  
12 would have thought he'd never have been caught by this is kind  
13 of hard to fathom, but maybe because it's 3:00 in the morning.

14 I'm trying to take into account and give heavy  
15 deference to the fact that I know he has autism. On the other  
16 hand, he's extremely articulate in his various filings with the  
17 court and his allocution. Mr. Hill is very capable of  
18 explaining things. It may not always be rational, but he's  
19 capable of explaining things. So I am trying to distance all  
20 of that.

21 In this case, I'm taking into account the fact that  
22 he's been in federal custody since December 21st.

23 **MS. PRYOR:** Yes, Your Honor.

24 **THE COURT:** I'm going to impose the 9 months. That's  
25 within the guideline range that the probation office has

1 recommended. That is the high end of the guidelines.

2 As a practical matter, that's, I think, 3 months from  
3 now, roughly 3 months from now, because I am anticipating that  
4 he should be getting credit for all of his time since  
5 December 21st because he's been in federal custody. Whether  
6 he's been at Butner being evaluated or wherever he was, he was  
7 in still in federal custody.

8 So my sentence of 9 months is under the understanding  
9 that he's getting credit for his time since December 21. It's  
10 also acknowledging that he's been in state custody before that  
11 and was punished in state custody, but the violations of  
12 supervised release, generally speaking, run consecutive to  
13 state punishment. And in this case, I think that's an  
14 appropriate punishment.

15 The willfulness of this violation is what still  
16 strikes me. Even though I know he's autistic and he has  
17 issues, it's hard to deny the willful, intentional conduct  
18 here.

19 So I'm going to order that Mr. Hill be committed to  
20 the custody of the United States Bureau of Prisons for 9  
21 months. As I've said, that's with the intention that that  
22 would essentially be running from December 21, 2018, to the  
23 present because he would be getting federal credit for that  
24 time.

25 I am going to reimpose 9 years of supervision in this

1 case under the same terms and conditions already disclosed in  
2 this case.

3 All right?

4 **MS. PRYOR:** Your Honor, I do have a question. If the  
5 attorney or -- once they do return my call, if they do not give  
6 him credit for that 5 months that he was in custody, is that  
7 still Your Honor's position?

8 **THE COURT:** No. My belief is he should get that  
9 credit. So my sentence is based on the understanding that he  
10 will be getting credit since then. What I guess I would tell  
11 you is it will take me a few days to get the judgment prepared.

12 **MS. PRYOR:** Yes, Your Honor.

13 **THE COURT:** I would encourage you to check with the  
14 Bureau of Prisons and be sure about that. If that's a problem,  
15 let me know, and under Rule 35, I think it is, I will regard  
16 that to be a mistake in fact.

17 **MS. PRYOR:** That's correct.

18 **THE COURT:** Unless there is an objection by the  
19 parties, I would consider making that change to reflect that.

20 **MS. PRYOR:** Thank you, sir.

21 **THE COURT:** Anything else? Have you had an  
22 opportunity speak -- oh, is he in custody now?

23 **MS. PRYOR:** He is not in custody, Your Honor.

24 **THE COURT:** He's been out of custody at the present  
25 time. Is this a case where he can self-report, and is there

1 any objection?

2           **MS. PRYOR:** Your Honor, that would be my request,  
3 Your Honor. His family did come all the way from Martinsville,  
4 Virginia, and the probation officer and him have a great, great  
5 relationship.

6           **THE COURT:** Let me ask: Is there any objection to  
7 self-reporting?

8           **MR. RAMASWAMY:** For the Government, I do oppose it,  
9 Your Honor. I understand Probation's position, if I'm not  
10 mistaken, is he be allowed to self-report.

11           **THE COURT:** What is the Probation's view?

12           **THE PROBATION OFFICER:** Your Honor, he's followed  
13 instructions thus far. I don't see why he wouldn't now.

14           **THE COURT:** Is he on location monitoring?

15           **THE PROBATION OFFICER:** No, sir, not at the present  
16 time.

17           **MS. PRYOR:** Your Honor, we have no objection to him  
18 being on location monitoring, but I would ask that he does  
19 self-report. He's never had an issue with Probation.

20           **THE COURT:** I'm -- given the myriad of factors in  
21 this case -- he's still living with his mother; right?

22           **MS. PRYOR:** He does.

23           **THE COURT:** I'm going to find he's not likely to flee  
24 or pose a danger to the community under circumstances where  
25 he's on GPS monitoring. So I'm going to add a condition to his

1 supervision that he be given GPS location monitoring, and he  
2 can self-report then.

3 Do I have a date, Ms. Engle?

4 **MS. PRYOR:** Your Honor, this might be a stretch to  
5 ask, but I believe his next court date is December 3. I was  
6 wondering, Your Honor -- it's really important to him that he  
7 be able to attend that hearing -- if it could be a date after  
8 December 3 to report.

9 **THE COURT:** Any objection?

10 **MR. RAMASWAMY:** Your Honor --

11 **THE COURT:** It's going to take Bureau of Prisons 6 or  
12 8 weeks at a minimum.

13 **MS. PRYOR:** It does, Your Honor.

14 **THE COURT:** So we'll be into November.

15 **MR. RAMASWAMY:** Given the conduct, the Government  
16 does not consent to that.

17 **THE COURT:** Okay.

18 **THE PROBATION OFFICER:** Your Honor, just as a matter  
19 of logistics, if he were to be released to location monitoring  
20 technology, that technology should be installed immediately.  
21 We would request a -- that the Court agree to a short delay of  
22 the installation of that, just given the logistics of him  
23 traveling back to the Western District of Virginia and the  
24 Western District of Virginia installing their equipment.

25 **THE COURT:** How many days would you like before?

1           **THE PROBATION OFFICER:** Your Honor, I think we can  
2 take care of that Monday.

3           **THE COURT:** So you can add that to the condition,  
4 that within 7 days that it be placed at the discretion of  
5 Probation. How about that? Does that work?

6           **THE PROBATION OFFICER:** Thank you, Your Honor.

7           **THE COURT:** All right. So as long as he's on  
8 location monitoring, I'll set it for Friday, December 6, noon,  
9 report to the U.S. Marshal in Greensboro, if he hasn't received  
10 a designation.

11           **THE PROBATION OFFICER:** I apologize, Your Honor.  
12 Just for further clarification, is that a home incarceration or  
13 a curfew? He would need to be placed under one of the three  
14 programs as well.

15           **THE COURT:** Is there a recommendation?

16           **THE CLERK:** Is it a revision? An order of release or  
17 a condition of his supervision?

18           **THE COURT:** Well, I don't know -- we'll figure out  
19 that in a minute.

20           **THE PROBATION OFFICER:** I would simply recommend at  
21 least a curfew. With GPS, you can order a curfew that's  
22 restrictive enough to monitor his whereabouts throughout the  
23 day.

24           **THE COURT:** Okay. That's a -- the case manager  
25 raised a good question. This is actually not a condition of

1 supervision. I think this is going to be a release condition  
2 so he can remain on his own. So the magistrate judge's order  
3 on release will be modified to add a condition for location  
4 monitoring. You think home -- a curfew is sufficient?

5 **THE PROBATION OFFICER:** Your Honor, I believe a  
6 curfew that's at the discretion of the probation officer would  
7 be --

8 **THE COURT:** I will add a curfew at the discretion of  
9 Probation. Probation is doing an excellent job of working with  
10 Mr. Hill. I just want to make sure that he's in at night.

11 **MS. PRYOR:** Yes, Your Honor.

12 **THE COURT:** All right. I don't want him running  
13 around naked anymore anywhere.

14 **MS. PRYOR:** Yes, Your Honor.

15 **THE COURT:** Does that address all those issues?

16 **MS. PRYOR:** It does, Your Honor.

17 **THE COURT:** Ms. Pryor, let me know right away if you  
18 hear otherwise.

19 **MS. PRYOR:** I will, yes, sir.

20 **THE COURT:** Because the judgment will be issued here  
21 shortly.

22 Have you had an opportunity to speak with Mr. Hill  
23 about any appellate rights he may have?

24 **MS. PRYOR:** I have, Your Honor. He would like to  
25 file his notice of appeal.



1           **THE COURT:** For the record, just so that I've advised  
2 him, make sure he's aware, if he does want to file a notice of  
3 appeal, he must do so in writing within 14 days of the entry of  
4 the Court's judgment. If he cannot afford the cost of his  
5 appeal, he can ask the Fourth Circuit to waive the cost.

6           If you want to file the notice of appeal -- I haven't  
7 entered a written judgment yet, but it only has to be entered  
8 within 14 days of the written judgment.

9           **MS. PRYOR:** I understand. Thank you, Your Honor.

10          **THE COURT:** Ms. Hill, please keep an eye on your son.  
11 I hope there won't be any problems between now and whenever he  
12 gets a reporting date so that we don't have any further issues.  
13 Okay.

14          **MS. PRYOR:** Thank you so much, Your Honor.

15          **THE COURT:** Good luck. I know it's a challenge.  
16 All right. Anything further?

17          **MR. RAMASWAMY:** No, Your Honor.

18          **THE COURT:** All right. Please adjourn Court.

19          (END OF PROCEEDINGS AT 5:35 P.M.)

20

21                               \*\*\*\*\*

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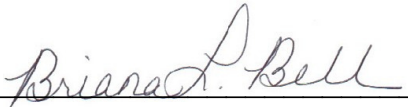
1 UNITED STATES DISTRICT COURT

2 MIDDLE DISTRICT OF NORTH CAROLINA

3 CERTIFICATE OF REPORTER

4  
5  
6 I, Briana L. Bell, Official Court Reporter, certify  
7 that the foregoing transcript is a true and correct transcript  
8 of the proceedings in the above-entitled matter.

9  
10 Dated this 4th day of November 2019.

11  
12  
13   
14 Briana L. Bell, RPR  
15 Official Court Reporter  
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**EXHIBIT 5**  
**for**  
EVIDENCE FOR  
MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL  
BASED UPON NEW EVIDENCE WHICH COULD NOT BE  
ADMISSIBLE AT THE TIME OF CONVICTION; NEW  
EVIDENCE OF SPOILIATION OF EVIDENCE COMMITTED BY  
COMMONWEALTH OF VIRGINIA; REQUEST FOR  
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,  
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING  
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA  
FOOTAGE AND IT IS LIKELY DESTROYED AND  
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON  
DAY OF CHARGE, ALSO LIKELY DESTROYED

Commonwealth of Virginia, City of Martinsville v. Brian David Hill  
CASE NO: CR19000009-00

Friday, February 11, 2022



JUSTICEFORUSWGO.WORDPRESS.COM

**VIRGINIA: IN THE GENERAL DISTRICT COURT FOR THE CITY OF  
MARTINSVILLE**

**COMMONWEALTH OF VIRGINIA,** )

**v.** )

**CASE NO: C18-3138**

**BRIAN DAVID HILL,** )  
**Defendant.** )

**ORDER**

This case came this day to be heard upon the written motion of the Defendant, BRIAN DAVID HILL, by counsel, who moved, pursuant to Rule 7C:5 of the Rules of the Supreme Court of Virginia, that the Commonwealth's Attorney be directed to permit the Defendant discovery in this case, as set forth in said Rule, and

It appearing to the Court that discovery pursuant to Rule 7C:5 should be granted to the Defendant, it is hereby ORDERED and DECREED that the Commonwealth's Attorney permit counsel for the Defendant to inspect and copy or photograph, within a reasonable time, before the preliminary hearing, the following:

(1) Any relevant written or recorded statements or confessions made by the Defendant, or copies thereof, or the substance of any oral statements or confessions made by the Defendant to any law enforcement officer, the existence of which is known to the attorney for the Commonwealth;

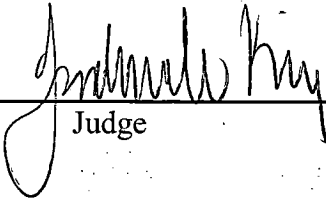
(2) A copy of any criminal record of the accused; and

(3) Any exculpatory information or evidence as set forth by *Brady v. Maryland* and its progeny that is known to the Commonwealth.

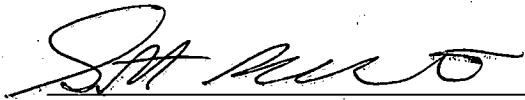
And it is further ADJUDGED, ORDERED and DECREED that the Commonwealth shall promptly notify counsel for the Defendant of the existence of any additional material

subsequently discovered which falls within the scope of this motion and make all such additional material available to the Defendant's attorney in accordance with the text and intention of this Motion.

ENTER this 28 day of November, 2018.

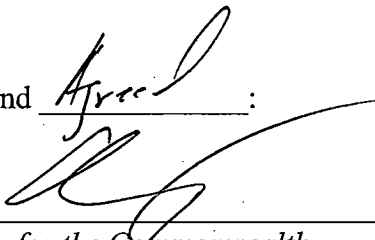
  
Judge

I ASK FOR THIS:



Scott Albrecht, Esq. (VSB #88411)  
Office of the Public Defender  
P.O. Drawer 31  
Martinsville, VA 24114  
T: (276) 666-2206 ext. 106  
F: (276) 666-8929  
salbrecht@mar.idc.virginia.gov  
Counsel for Defendant

SEEN and Agreed:



Attorney for the Commonwealth  
City of Martinsville, Virginia  
P.O. Box 1311  
Martinsville, VA 24112  
T: (276) 403-5470

Michael McPherson  
Retained for  
Bond Hearing  
10-12-18  
9:45a

RECEIVED  
DATE/TIME 11-28-18 11am  
BY D. Allen D. Clark  
MARTINSVILLE GENERAL DISTRICT COURT

# **EXHIBIT 6**

**for**

**EVIDENCE FOR  
MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL  
BASED UPON NEW EVIDENCE WHICH COULD NOT BE  
ADMISSIBLE AT THE TIME OF CONVICTION; NEW  
EVIDENCE OF SPOILIATION OF EVIDENCE COMMITTED BY  
COMMONWEALTH OF VIRGINIA; REQUEST FOR  
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,  
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING  
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA  
FOOTAGE AND IT IS LIKELY DESTROYED AND  
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON  
DAY OF CHARGE, ALSO LIKELY DESTROYED**

**Commonwealth of Virginia, City of Martinsville v. Brian David Hill  
CASE NO: CR19000009-00**

**Friday, February 11, 2022**



**JUSTICEFORUSWGO.WORDPRESS.COM**

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,  
Plaintiff

vs.

CR19-009

BRIAN DAVID HILL,  
Defendant.

ORDER REGARDING DISCOVERY

Came this day, the Defendant, Brian David Hill, by counsel, who moved, pursuant to Rule 3A:11 of the Rules of Court, that the Commonwealth's Attorney be directed to permit the Defendant discovery in this case, as set forth in the said Rule, and upon the motion of the attorney of the Commonwealth requesting reciprocal discovery under the said Rule; and,

It appearing to the Court that discovery pursuant to Rule 3A:11(b) should be granted to the Defendant, it is hereby ORDERED that the Commonwealth's Attorney permit counsel for the Defendant to inspect and copy or photograph, within a reasonable time, before the trial or sentencing, the following:

(1) Any relevant written or recorded statements or confessions made by the Defendant, or copies thereof, or the substance of any oral statements or confessions made by the Defendant to any law enforcement officer, the existence of which is known to the attorney for the Commonwealth, any certificates of analysis pursuant to §19.2-187, and any relevant written reports of autopsies, ballistic tests, fingerprint analyses, handwriting analyses, blood, urine, and breath tests, other scientific reports, and written reports of a physical or mental examination of the Defendant or the alleged victim made in connection with this particular case, or copies thereof, that are known by the Commonwealth's Attorney to be within the possession, custody, or

control of the Commonwealth.

(2) Any exculpatory information or evidence under the guidelines established by Brady v. Maryland, 373 U.S. 83 (1963), and subsequent case law, whether by way of statements, real evidence, scientific analysis, or reports, known to or in the possession of the Commonwealth.

(3) The Commonwealth shall promptly notify counsel for the Defendant of the existence of any additional material subsequently discovered (until the time of trial and at trial) which falls within the scope of this motion and make all such additional material available to the Defendant's attorney in accordance with the text and intention of this Motion.

It appearing to the Court that the motion for reciprocal discovery filed by the attorney for the Commonwealth pursuant to Rule 3A:11 should also be granted, it is hereby ORDERED that counsel for the Defendant permit the Commonwealth's Attorney to inspect, copy, or photograph, within a reasonable time, but not less than ten days before the trial or sentencing, any written reports of autopsy examinations, ballistic tests, fingerprints, blood, urine, and breath analyses, and other scientific tests that may be within the Defendant's possession, custody, or control and which the defense intends to proffer or introduce into evidence at the trial or sentencing:

It is further ORDERED that the Defendant disclose whether he or she intends to introduce evidence to establish an alibi, and, if so, to disclose the place at which he or she claims to have been at the time of the commission of the alleged offense.

It is further ORDERED that if the Defendant intends to rely upon the defense of insanity or feeble-mindedness, the Defendant shall permit the Commonwealth to inspect, copy, or photograph any written reports of physical or mental examination of the Defendant made in connection with this particular case.

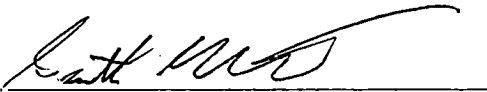


It is further ORDERED that the inspection and copying or photographing by the counsel for the Defendant shall take place at the office of the Commonwealth's Attorney at Martinsville, Virginia, or at some other mutually agreeable location, by appointment or at any convenient time during regular office hours, and that the inspection and copying or photographing by the attorney for the Commonwealth shall take place at the office of the counsel for the Defendant, or at some other mutually agreeable location, by appointment or at any convenient time during regular office hours.

ENTERED this 6<sup>th</sup> day of February, 2019.

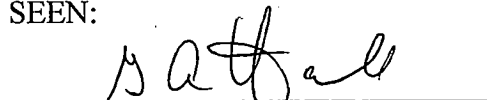
  
Judge

I ASK FOR THIS:



Scott Albrecht (VSB #88411)  
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Martinsville, VA 24114  
276-666-2206  
276-666-8929 (fax)  
salbrecht@mar.idc.virginia.gov

SEEN:

  
Counsel for the Commonwealth

**EXHIBIT 7**  
**for**  
EVIDENCE FOR  
MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL  
BASED UPON NEW EVIDENCE WHICH COULD NOT BE  
ADMISSIBLE AT THE TIME OF CONVICTION; NEW  
EVIDENCE OF SPOLIATION OF EVIDENCE COMMITTED BY  
COMMONWEALTH OF VIRGINIA; REQUEST FOR  
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,  
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING  
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA  
FOOTAGE AND IT IS LIKELY DESTROYED AND  
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON  
DAY OF CHARGE, ALSO LIKELY DESTROYED

Commonwealth of Virginia, City of Martinsville v. Brian David Hill  
CASE NO: CR19000009-00

Friday, February 11, 2022



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VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,  
Plaintiff

vs.

CR19000009-00

BRIAN DAVID HILL,  
Defendant.

ORDER REGARDING DISCOVERY

Came this day, the Defendant, Brian David Hill, by counsel, who moved, pursuant to Rule 3A:11 of the Rules of Court, that the Commonwealth's Attorney be directed to permit the Defendant discovery in this case, as set forth in the said Rule, and upon the motion of the attorney of the Commonwealth requesting reciprocal discovery under the said Rule; and,

It appearing to the Court that discovery pursuant to Rule 3A:11(b) should be granted to the Defendant, it is hereby ORDERED that the Commonwealth's Attorney permit counsel for the Defendant to inspect and copy or photograph, within a reasonable time, before the trial or sentencing, the following:

(1) Any relevant written or recorded statements or confessions made by the Defendant, or copies thereof, or the substance of any oral statements or confessions made by the Defendant to any law enforcement officer, the existence of which is known to the attorney for the Commonwealth, any certificates of analysis pursuant to §19.2-187, and any relevant written reports of autopsies, ballistic tests, fingerprint analyses, handwriting analyses, blood, urine, and breath tests, other scientific reports, and written reports of a physical or mental examination of the Defendant or the alleged victim made in connection with this particular case, or copies thereof, that are known by the Commonwealth's Attorney to be within the possession, custody, or

control of the Commonwealth.

(2) Any exculpatory information or evidence under the guidelines established by Brady v. Maryland, 373 U.S. 83 (1963), and subsequent case law, whether by way of statements, real evidence, scientific analysis, or reports, known to or in the possession of the Commonwealth.

(3) The Commonwealth shall promptly notify counsel for the Defendant of the existence of any additional material subsequently discovered (until the time of trial and at trial) which falls within the scope of this motion and make all such additional material available to the Defendant's attorney in accordance with the text and intention of this Motion.

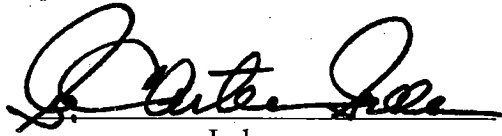
It appearing to the Court that the motion for reciprocal discovery filed by the attorney for the Commonwealth pursuant to Rule 3A:11 should also be granted, it is hereby ORDERED that counsel for the Defendant permit the Commonwealth's Attorney to inspect, copy, or photograph, within a reasonable time, but not less than ten days before the trial or sentencing, any written reports of autopsy examinations, ballistic tests, fingerprints, blood, urine, and breath analyses, and other scientific tests that may be within the Defendant's possession, custody, or control and which the defense intends to proffer or introduce into evidence at the trial or sentencing:

It is further ORDERED that the Defendant disclose whether he or she intends to introduce evidence to establish an alibi, and, if so, to disclose the place at which he or she claims to have been at the time of the commission of the alleged offense.

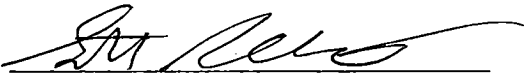
It is further ORDERED that if the Defendant intends to rely upon the defense of insanity or feeble-mindedness, the Defendant shall permit the Commonwealth to inspect, copy, or photograph any written reports of physical or mental examination of the Defendant made in connection with this particular case.

It is further ORDERED that the inspection and copying or photographing by the counsel for the Defendant shall take place at the office of the Commonwealth's Attorney at Martinsville, Virginia, or at some other mutually agreeable location, by appointment or at any convenient time during regular office hours, and that the inspection and copying or photographing by the attorney for the Commonwealth shall take place at the office of the counsel for the Defendant, or at some other mutually agreeable location, by appointment or at any convenient time during regular office hours.

ENTERED this 15<sup>th</sup> day of July, 2019.

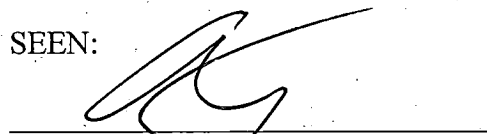
  
Judge

I ASK FOR THIS:



Scott Albrecht (VSB #88411)  
Office of the Public Defender  
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Martinsville, VA 24114  
276-666-2206  
276-666-8929 (fax)  
salbrecht@mar.idc.virginia.gov

SEEN:

  
Counsel for the Commonwealth

# **EXHIBIT 8**

**for**

**EVIDENCE FOR**

**MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL  
BASED UPON NEW EVIDENCE WHICH COULD NOT BE  
ADMISSIBLE AT THE TIME OF CONVICTION; NEW  
EVIDENCE OF SPOILIATION OF EVIDENCE COMMITTED BY  
COMMONWEALTH OF VIRGINIA; REQUEST FOR  
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,  
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING  
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA  
FOOTAGE AND IT IS LIKELY DESTROYED AND  
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON  
DAY OF CHARGE, ALSO LIKELY DESTROYED**

**Commonwealth of Virginia, City of Martinsville v. Brian David Hill  
CASE NO: CR19000009-00**

**Friday, February 11, 2022**



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## Body Cameras Proving Useful for Martinsville Police

by  
Wednesday, May 1st 2013



Martinsville, VA -- The Martinsville Police Department says a small device has been making a big difference in fighting crime.

About a year ago, they got 38 cameras that the officers wear. They received the cameras because of a grant from the Virginia Municipal League. And they say they have really proven



Even on a very routine call, every word spoken and every movement taken will be captured



"Having this thing with us is like having someone with us whose memory is infallible," said Sgt. Chad Rhoads with the Martinsville Police Department.

Captain Eddie Cassady calls the cameras "like another officer" watching out for his force.

"They have been very useful for us," said Cassady.

For about a year, every Martinsville Police patrolling officer has worn one of these cameras. And for such a small device, it does a lot even capturing the sound of cars driving by in the distance.

"It helps clear up any disagreements. Anytime you talk to somebody, there are two different versions of what went on," said Rhodes.

And Rhoads explains, this camera shows the real version.

"It helps us investigate cases. It also helps us identify potential witnesses in other crime scenes too," said Cassady.

In the past few months, it did something they didn't even expect. When a man accused officers of assaulting his wife, Cassady says the cameras proved the accusations false.

"Once we viewed it we were able to consult with the Commonwealth's Attorney and place charges for filing a false report," said Cassady.

Captain Cassady says they have used the video as evidence in many cases throughout the year. So, they say it has really done its job.

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# **EXHIBIT 9**

**for**

**EVIDENCE FOR  
MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL  
BASED UPON NEW EVIDENCE WHICH COULD NOT BE  
ADMISSIBLE AT THE TIME OF CONVICTION; NEW  
EVIDENCE OF SPOLIATION OF EVIDENCE COMMITTED BY  
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**Commonwealth of Virginia, City of Martinsville v. Brian David Hill  
CASE NO: CR19000009-00**

**Friday, February 11, 2022**



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## **Interview and Interrogation of people with autism (including Asperger syndrome)**

By Dennis Debbaudt

Conducting on-scene interviews of victims, witnesses, and suspects, a routine event for patrol officers, allows the officer to gather basic information such as who, what, where, when, and why. The officer uses this information to assess situations and decide on further action.

An interrogation differs somewhat from basic fact-gathering since it tends to focus more on a subject who probably is suspected of a criminal act. Different techniques, rules, and procedures apply during an interrogation. A law enforcement professional may be trained in the techniques of interrogation, the rules that apply - such as when to advise suspects of their legal rights - and what procedures to use - such as the venue, environment, or comfort level of the suspect. An interrogation is conducted when there is reason to suspect that a person knows more about or was involved in committing a criminal act.

Whether it is a simple field interview, or a more focused interrogation, dealing with persons with autism presents unique challenges and considerations.

### **Misleading indications of guilt**

There will be occasions when first-responders refer a case involving a person with autism for further questioning. In most cases this will involve an individual who apparently communicates very well and has achieved a high level of independence in the community. The person may have been found at or been identified by others as being at the scene or possessing knowledge of a crime.

Higher-functioning or more independent individuals with autism may live alone or without constant supervision, be able to drive or use public transportation, hold a job, and enjoy leisure activities.

They may possess apparently normal verbal skills but be deficient in comprehension, social awareness, and decision-making. They may appear as quite normal at first, but the symptoms, behaviours, and characteristics - for example, providing blunt or tactless answers, changing the subject, or being unable to understand or accept a rational answer - will become apparent to the educated investigator. However, without an understanding of the disability it will be easy to misinterpret the information provided as an indicator of guilt.

They may provide no eye contact at all, even when a questioner shifts their position to obtain it.

The person may have been taught to give eye contact but this may be perceived as insincere, glaring, or fixated. The interviewer may mistake this unusual eye contact as a tension-relieving technique used by a guilty person, when it is nothing more than a symptom of the condition of autism.

When stressed, communications skills may diminish or disappear. Answers may seem evasive or unconnected to the question that was asked. Individuals may appear belligerent, argumentative, stubborn, or inattentive - behaviour that may seem indicative of a person with something to hide.

They can easily become the object of increased scrutiny by the questioner. What started as a routine fact-gathering task may turn into an unnecessary interrogation because an officer, unfamiliar with the behaviours of ASDs may have had their law enforcement instincts rightfully aroused.

### **Possible traps when interrogating a person with autism**

Techniques used during interrogations may include the use of trickery and deceit:

'Without some elements of "trickery", such as leading the suspect to believe that the police have some tangible or specific evidence of guilt, many interrogations will be totally ineffective' (Inbau and Reid 1967, p.196).

'Only one important qualification has been attached to the rule; the trickery or deceit must not be of such nature as to induce a false confession' (Inbau and Reid 1967, p.195).

The higher-functioning person through his or her responses, and the unaware interrogator through

their beliefs, may become unwitting accomplices to continuing a faulty investigation in the best case or, in the worst case, to extracting a false confession.

The following are some possible traps that interrogators can fall into when conducting the interrogation of a person with autism.

#### **Memory Skills**

Interrogators should understand that the person with autism may have highly developed memory skills. The person may have learned to commit facts or the statements of others to memory: This rote skill may allow him or her to quickly assimilate and regurgitate data. The individual may be more proficient in his or her expression of these facts than in comprehension of them. He or she may have developed a sophisticated form of echolalia, echoing and repeating the words of others. For example, the person with autism could memorize the allegations of a citizen overheard at the scene, facts inadvertently provided by a first-responding officer, and details of some of the circumstantial evidence that an interrogator has revealed during questioning. Under these circumstances, the person with autism could provide a very convincing untrue statement or false confession. At the least, this knowledge could be misconstrued as real familiarity of facts that only a guilty person could know.

#### **The Interrogator as Authority Figure**

Persons with autism may have been conditioned through their lifetime to look to authority figures to make many of life's important decisions for them. They have learned to depend on and trust these authority figures to be right. The interrogator may be viewed as another authority figure that is always right. 'If he thinks I robbed the bank, maybe he's right' is a conclusion that the confused person with autism may develop during an interrogation.

#### **Friendly-Unfriendly**

Persons with autism may have a hard time developing friends. They may seek the friendship of others, only to be continually disappointed. They may repeat social gaffes that others find repelling, and they may learn little from these friend-seeking experiences. Although they may not have learned how to make a friend, this will not stop them from trying.

The interrogation techniques of friendly-unfriendly interrogators have the potential to produce false confession from such persons. 'The friendly-unfriendly act is particularly appropriate in the interrogation of a subject who is politely apathetic - the person who just nods his head as though in agreement with the interrogator, but says nothing in response except possibly a denial of guilt' (Inbau and Reid 1967, p.64). The person with autism may involuntarily give an interrogator the impression that he or she is apathetic, and may deny guilt because he or she is innocent.

The friendly interrogator may convince the trusting individual that they are, truly, their friend. The person with autism has now just made a new friend, and 'if my friend wants to know about me robbing a bank, then I'll tell him just to keep him around.' Rather than telling the truth, the person will tell his or her 'friend' what he or she thinks they want to hear.

#### **Concrete Thinkers**

Persons with autism are concrete thinkers. Jokes, sarcasm, innuendo, satire, trickery and deceit are difficult concepts for them to understand and appreciate. Their world is unadorned with pretext, pretence, sham, and dishonesty. They are naturally guileless and very honest. They are not very able liars. They expect others to be honest and they can become confused or disappointed when they are not. We have learned that persons with autism may not have a complete understanding of what is expected of them, or the consequences of their actions. They may not understand how serious the consequences of the confession will be for them. They may be led to believe that lying is what is expected of them.

#### **Poor Liars**

An interrogator may seek an admission of lying about any part of the alleged offence. The person with autism may try to respond to this new friend or authority figure with what he or she believes is the reply that is wanted. The person may truly have made a mistake; to the interrogator, it was a lie.

When asked if he or she has ever thought about committing the offence in question, the honest-to-a-fault but innocent person with autism may answer 'Yes', as opposed to the characteristic answer of 'No' from an innocent person. While both persons only thought in passing about

committing such an offence, the 'normal' person would not consider answering yes. The concrete-thinking autistic person may answer the question as it is asked, causing the interrogator to continue the probe.

It is possible that the person with autism has learned through experience to lie. But her or his attempts to lie will be done poorly. An interrogator should ask a series of unrelated questions to determine the person's ability and potential for lying. This should be done prior to asking questions that are pertinent to the matter at hand.

#### **Tips for the interviewer/interrogator**

The interviewer must be specific in what information is sought by asking questions that avoid ambiguity. If the interviewer asks, 'Did you take the money?', the person with autism may say 'Yes' whether or not she or he actually took it. It would be clearer to ask, 'What did you do?' allowing for the individual to provide a response. If you ask, 'Were you with your family or John?' the autistic person may respond, 'John', because that was the last choice of the sequence. If the question was asked again but in reverse order, the autistic person may answer, 'My family,' for the same reason (Perske 1991).

A more specific question might be, 'Who were you with?' which reduces the influence of suggestion on the subject. Obtaining a false confession is a situation for which no conscientious law enforcement officer would want to be responsible.

Some other factors investigators may consider:

- Be sure the subject understands his or her legal rights.
- Saying yes is not the same as understanding them. To the concrete thinker 'waiving your right' may mean waving your right hand.
  - To avoid confusion, ask questions that rely on narrative responses.
- Asking yes or no question is an essential and important element of determining guilt. But consider asking a series of yes or no questions to determine the style and dependability of the response. Then ask the key yes or no questions:
  - Seek the advice of a psychiatrist or psychologist who is familiar with autism. Consider contacting a specialist in autism from outside the criminal justice system.
  - Seek the advice of a prosecutor. You have a job to do and want to perform it in the best way possible. With their unusual responses to your questions, the higher-functioning person with autism may challenge all of your training.
  - Follow procedure, but also follow your gut instincts if you feel that something isn't 'quite right' with the subject of your investigation. Like the old adage, if the statement or confession is too good to be true, it probably is.

# **EXHIBIT 10**

**for**

**EVIDENCE FOR  
MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL  
BASED UPON NEW EVIDENCE WHICH COULD NOT BE  
ADMISSIBLE AT THE TIME OF CONVICTION; NEW  
EVIDENCE OF SPOILIATION OF EVIDENCE COMMITTED BY  
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**Commonwealth of Virginia, City of Martinsville v. Brian David Hill  
CASE NO: CR19000009-00**

**Friday, February 11, 2022**



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DIVISION FOR TREATMENT AND EDUCATION OF AUTISTIC  
AND RELATED COMMUNICATION HANDICAPPED CHILDREN

Department of Psychiatry  
University of North Carolina

D I A G N O S T I C E V A L U A T I O N

Patient: Brian Hill  
Chart #: 60373

D.O.B. 5-26-90

Center: High Point, NC  
Date: 10-19-94

Staff: Marquita Fair, Child Therapist  
Allison Butwinski, Parent Consultant  
Dr. Roger D. Cox, Licensed Practicing Psychologist and  
Clinical Director

TESTS ADMINISTERED:

Psychoeducational Profile-Revised (PEP-R)  
Vineland Adaptive Behavior Scale

REFERRAL INFORMATION:

Child's Name: Brian Hill  
Age: 4 years 5 months  
Address: 133 Mike Lane, Reidsville, NC 27320  
Parents: Roberta Hill  
Current Status: Lives at home with mother and is being served in  
a preschool developmental delayed classroom at Bethany  
Referral Source: Sheila Shelton  
Reason for Referral: Clarification of diagnosis and educational  
planning

DEVELOPMENTAL HISTORY:

Brian was born prematurely weighing 3 pounds, 13 1/2 ounces. He received phototherapy for hyperbilirubinemia and was discharged from the hospital at approximately 2 weeks of age. At 18 months, he was hospitalized for 6 days with the onset of insulin dependent Diabetes Mellitus. He currently is taking NPH insulin and Regular insulin and his diet is regulated according to the American Diabetic Association diet. At 35 months Brian was seen at the Greensboro DEC due to language delays. There were concerns regarding Brian's social relatedness and language development. It was felt that his neurodevelopmental profile may represent a form of a pervasive developmental disorder and a TEACCH referral was recommended.



Currently, Brian uses words and short phrases to express his needs. He exhibits pronoun reversals, immediate and delayed echolalia, and repeats some phrases he has heard over and over. He understands and follows simple routine commands but cannot use or answer "Wh" questions.

Though aware of others, Brian has difficulty interacting with them. He is beginning to show an interest in other children but does not initiate interactions. Brian's favorite activities include stacking blocks and listening to music. He recently has become more aware of his mother when she picks him up from school and sometimes greets her by saying "mommy". Brian occasionally becomes upset when he does not have his way and is prone to small episodes of temper tantrums.

#### FAMILY STATUS:

Brian lives at home with his mother, Roberta Hill in Reidsville. His mother and father are divorced and Brian does not have contact with his father. His maternal grandparents live nearby and he sees them frequently. During the evaluation, Roberta was very friendly and easy to talk to. She offered some very nice information about Brian.

#### EDUCATIONAL PLACEMENT:

Brian is currently being served in a preschool developmental delayed class at Bethany Preschool in Reidsville. Brian's teacher, Sheila Shelton, who attended the evaluation, felt that Brian had made very nice progress since his enrollment. She appeared flexible and willing to develop a program that considers Brian's individual needs.

#### DESCRIPTION OF CHILD:

Brian is a cute 4 year 4 month old boy. He was appropriately dressed in long pants and a long sleeved shirt. He was accompanied to the TEACCH Center by his mother, Roberta Hill.

#### BEHAVIORAL OBSERVATIONS DURING TESTING:

##### Relating, Cooperating, and Human Interest:

Brian, joined by his mother, accompanied the examiner to the testing room. He whimpered as his mother left the room. When offered a toy, Brian immediately settled down and showed a fleeting interest in the toys on a table. At the start of testing, Brian resisted joining the examiner at the work table. When he became upset, his language consisted largely of echolalia. Although he frequently whined when he did not get his way, he never actually cried. Brian's behavior was unpredictable when he attempted to engage in an activity. When materials were presented, Brian perseverated with them, making it difficult for him to relinquish materials when the task was completed. For example, Brian continued to fuss and ask for bubbles and play-doh



even when they were put away. He asked for the bubbles so often that they were eventually used as a reinforcer when he completed tasks.

Brian's attention to test items varied depending on his interest in the task. When he showed an interest in the items presented, he resisted putting them away. For example, Brian enjoyed doing puzzles, matching colors, and copying shapes. When he was instructed to put them away, he whined and said "do again, do again". Once he became familiar with placing the completed tasks in the "finished basket" it was easier for him to continue on to the next task. He showed limited interest in the kaliedoscope and counting which resulted in him placing incomplete tasks in the "finished basket". Brian was distracted by noises heard outside the door and in the observation booth, which made it difficult to redirect him back to tasks.

Brian was always aware of the examiner's presence. Eye contact was frequent and usually brief. He initiated social interaction by requesting the examiner to join him at the mini-trampoline and holding his hand. Brian appropriately asked for help and used gestures. He often asked for a "tissue please", returning the tissue to the examiner for disposal. He enjoyed being tickled, and although he did not ask for this activity to continue, he backed into the examiner with his arms stretched out as if to indicate that he wanted more.

#### Sensory Behavior:

Brian usually responded to his name by repeating it. He did not look at the examiner. He appropriately responded to various noisemakers. No unusual interests in taste or textures were noted during testing.

#### Play and Interest in Materials:

Although Brian often resisted sitting at the work table, he was able to focus on materials when they were presented. He was usually creative in how he used many of the materials. For example, when he used blocks, he made a three dimensional design twice and called them "pyramids". Another time he used the blocks to build "towers". As he identified letters, he told the examiner what each letter stood for; "G for goose", "A for apple", and "Y for yarn". When he used the scissors, he cut out shapes (rectangle and square) and identified them. Brian had his own agenda for completing the tasks. He became upset whenever the examiner suggested that he attempt a task differently.

Brian was most cooperative with tasks that involved writing, copying, matching, and coloring. He anxiously wrote his first and last name several times although not in sequential order. Brian copied shapes, focusing his attention on the examples presented when he was not sure how to draw a shape (triangle and diamond). Brian showed little interest in playing with puppets and pantomining object use.

During free play, Brian chose to jump on the mini-trampoline, play with a toy motorcycle with a man on it, and walk up and down the

wooden steps. When he realized the steps could be turned over to be a rocking boat, he asked for help to turn it over so he could use it alternately as steps and a boat. Several times, he stood near the door and asked for his mother. However, he was easily redirected back to a play activity.

#### Competence Motivation:

Brian quickly understood the routine of placing finished materials in the "finished basket" to his right. He often returned to the table if he forgot to put his completed tasks in the "finished basket". Organizing three tasks at a time on a table on Brian's left helped him understand how much work he had to do before he could leave the table to go play.

Brian often expressed pleasure with himself by smiling at the examiner and frequently saying "good job". Verbal praise from the examiner was also motivating to Brian.

#### Language:

Brian used language and gestures to communicate. At the start of testing, Brian's language consisted mostly of delayed and immediate echolalia. At times, his language was difficult to understand. He often commented during testing, but seldom directing his comments to the examiner. Brian asked questions such as, "can I blow?", "can I do bell again?", and "is this a birthday cake"? However, Brian had much more difficulty answering questions.

#### RESULTS AND SUMMARY OF THE PEP-R:

The Psychoeducational Profile-Revised (PEP-R) is a developmental test designed specifically for autistic and communication handicapped children. The child's performance is scored in several different function areas, and totalled to provide an overall developmental age score. Brian's overall score was 101, which resulted in an age equivalent of approximately 3 years 9 months.

On the PEP-R, Brian scored as follows:

<u>Function Area</u>	<u>Age Level</u>
Imitation	4 yrs. 6 mos.
Perception	4 yrs. 1 mo.
Fine Motor	3 yrs. 3 mos.
Gross Motor	3 yrs. 1 mo.
Eye Hand Integration	4 yrs. 7 mos.
Cognitive Performance	3 yrs. 3 mos.
Cognitive Verbal	3 yrs. 9 mos.
Developmental Score	3 yrs. 9 mos

When assessed with the PEP-R, Brian's test scores indicated relative weaknesses in the motor area and relative strengths in eye-hand integration.

Brian was able to receptively and expressively identify pictures in a language book, demonstrate the function of objects, sort cards, identify numbers, and sort objects. He had several emerging abilities, including identifying objects by touch, drawing a person, and copying a diamond.

DIAGNOSIS:

Autism - mild range

INTERPRETIVE CONFERENCE SUMMARY:

Attending Brian's interpretive conference were his mother, Roberta Hill, his preschool teacher, Sheila Shelton, and TEACCH staff, Allison Butwinski and Dr. Roger Cox. Results of the test administered were shared indicating Brian has many of the characteristics of mild autism. It is felt that Brian would benefit from a classroom with a small teacher to student ratio, individualized instruction, and autistic interventions.

RECOMMENDATIONS:

1. Brian would benefit from placement in a classroom with a small teacher to student ratio. The classroom environment should be free of distractions. A specific work area should be set up for Brian with a desk and boundaries to minimize distractions.
2. The classroom teacher should be experienced in autism, and have knowledge of structured teaching techniques. A three day training is being offered November 28-30 at the Gateway Education Center in Greensboro. The purpose of this training is to teach strategies that are typically successful in working with and teaching new skills to children with autism.
3. Brian should receive one-on-one teaching sessions 2-3 times a day to develop new skills. A teacher should sit across from Brian and present materials using the routine of working from left to right. Brian will place completed work to his right in a "finished basket". This will help him understand that what he has to do is in a basket to his left, how much work he has to do by the number of baskets with work in them, and he is finished when all the baskets are gone. He should be allowed breaks away from the table between tasks. It is important that Brian understand the contingency of working first and then receiving a break.
4. Brian's IEP should reflect the acknowledgement that he is a child diagnosed with autism. Specific strategies and teaching methods recommended by TEACCH should be addressed.

5. Brian's teacher for next year should be identified as early as possible in order that a request to attend TEACCH summer training for next year can be submitted.

*Marquita Fair*

Marquita Fair, Child Therapist

*Allison Butwinski*

Allison Butwinski, Parent Consultant

*Roger D. Cox, Ph.D.*

Roger D. Cox, Ph.D.  
Licensed Practicing Psychologist

# **EXHIBIT 11**

**for**

**EVIDENCE FOR  
MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL  
BASED UPON NEW EVIDENCE WHICH COULD NOT BE  
ADMISSIBLE AT THE TIME OF CONVICTION; NEW  
EVIDENCE OF SPOILIATION OF EVIDENCE COMMITTED BY  
COMMONWEALTH OF VIRGINIA; REQUEST FOR  
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,  
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING  
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA  
FOOTAGE AND IT IS LIKELY DESTROYED AND  
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON  
DAY OF CHARGE, ALSO LIKELY DESTROYED**

**Commonwealth of Virginia, City of Martinsville v. Brian David Hill  
CASE NO: CR19000009-00**

**Friday, February 11, 2022**



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**CARILION CLINIC**

CARILION CLINIC, FAMILY AND INTERNAL MEDICINE  
1107a Brookdale Street  
Martinsville VA 24112  
Phone: 276-670-3300  
Fax: 276-634-0379

5/16/2017

RE:  
Brian Hill  
310 Forest St Apt 2  
Martinsville VA 24112-4939

To Whom it May Concern:

This is to certify that Brian Hill is my patient since 11/2014. He has a diagnosis of diabetes, seizures, autism and obsessive compulsive disorder. One or more of these condition can limit his ability to be in social situation or among people and do work.

Please feel free to contact my office if you have any questions or concerns. Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Shyam E Balakrishnan'.

Shyam E Balakrishnan, MD

# **EXHIBIT 12**

**for**

**EVIDENCE FOR  
MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL  
BASED UPON NEW EVIDENCE WHICH COULD NOT BE  
ADMISSIBLE AT THE TIME OF CONVICTION; NEW  
EVIDENCE OF SPOILIATION OF EVIDENCE COMMITTED BY  
COMMONWEALTH OF VIRGINIA; REQUEST FOR  
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**Commonwealth of Virginia, City of Martinsville v. Brian David Hill  
CASE NO: CR19000009-00**

**Friday, February 11, 2022**



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BRIAN HILL (174826) [DOB: 5/26/1990]

X Close  Print

DIAGNOSIS			
Axis/Order	Axis 3/1	Diagnosis	(F42.9) Obsessive-compulsive disorder, unspecified
Axis/Order	Axis 3/2	Diagnosis	(F84.0) Autistic disorder
Axis/Order	Axis 3/3	Diagnosis	(F29) Unspecified psychosis not due to a substance or known physiological condition
Axis/Order	Axis 3/4	Diagnosis	(F41.1) Generalized anxiety disorder
WHODAS 2.0 General Disability			
	Assessment Date	General Raw Score	General Average Score
	Score description	Raw Score	Average Score
	Cognition		
	Mobility		
	Self-care		
	Getting along		
	Life activities		
	Participation		




**Piedmont Community Services**

 13 MOSS ST SOUTH  
 MARTINSVILLE, VA 24112

Client Name: <b>BRIAN HILL</b>	SSN/Acct # <b>591980319 / 174826</b>
Address: <b>310 FOREST ST APT 2 MARTINSVILLE VA 24112-4939</b>	Date/Time: <b>10/24/2018 9:51 AM to 10:23 AM</b>
Insurance:	Employee Name: <b>CONRAD DAUM / MD</b>
Diagnosis:	Visit Type/CPT <b>Med Note [Jail] / Nonbill</b>
DOB <b>5/26/1990</b>	
Notes: <b>Non-Face-to-Face Service</b>	

**HISTORY**
**Chief Complaint: Notes:**

"guy in hodie threatened to kill my mother if I didn't do what he said" "meltdown" He was arrested for walking down the street naked and charged with a probation violation.

**History of Present Illness (HPI): Notes:**

local is mental, quality he agreed to zyprexa and zoloft. severity moderate, duration 1st admit 2013 ONLY, time of tx start here 2013, context jail inmate. associated he was convicted for child porn and is on sex registry. He believes he was convicted unfairly by a conspiracy of the court officials. He believes Critical documents proving his innocence were deliberately destroyed. Modify is tx accepted, ill's see med hx.

**Past Medical / Family Medical / Social Hx: .**

LEGAL HX: He would only discuss the child pron and probation violation convictions.

PSYCH HX: He tried suicide, but no family hx, he denied wanting to harm self or others the past month. He denied any SUD or tobacco, Hx autism, OCD, GAD

MEDICAL HX: Diabetes, IBS, Eczema, op only wisdom teeth, no fx hx, hypoglycemic seizures, hx concussions during seizures.

FAMILY HX: 0 kids, 1/2 sisters=2, 0 brothers, mom living, dad hx unknown no hx of inpatient , SUD, jail. Hx Hypertension, ulcerative colitis,

SOCIAL HX: born Orlando FL, raised NC, some HS, single, no church, on disability, lives alone with caretaker's help.

**Review of Symptoms (ROS)**
**Constitutional: Notes:**

sleeping ok

**Eyes: Notes:**

see ok

**Ears, Nose, Mouth, Throat: Notes:**

hear ok

**Cardiovascular: Notes:**

no chest pain

**Respiratory: Notes:**

breathing ok

**Musculoskeletal: Notes:**

no LBP

**Integumentary (skin and/or breast): Notes:**

no tattoos

**Neurological: Notes:**

seizure hx and diabetic foot neuropathy

**Endocrine: Notes:**

diabetes

**Hematologic/Lymphatic: Notes:**

no nodes

**Allergic/Immunologic: Notes:**

allergy see list

**Genitourinary: Notes:**

bladder frequency

**Gastrointestinal: Notes:**

GERD SX, episodic diarrhea

**EXAM****Constitutional Vital Signs:****Musculoskeletal****Muscle strength and tone: Notes**

ok

**Gait and station: Notes**

ok

**Behavior****Appearance:** Well-groomed**Activity:** Normal**Attitude:** Cooperative**Articulation (Speech):** Normal Rate, Rhythm, Volume**Sensorium****Consciousness:** Alert**Orientation:** Full**Memory:** Intact**Attention/Concentration:** Adequate**Emotion****Affect:** Comfortable and Reactive**Mood:** Euthymic**Congruency:** Congruent**Suicidal Ideation:** None**Homicidal Ideation:** None**Thought****Thought Process:** Goal-directed**Thought Content:** Delusional**Intelligence:** Average

(based upon fund of knowledge, comprehension, and vocabulary)

**Insight:** Full**Judgement:** Intact**Perception:** Normal**Impression****Brief summary of present status of case:** Notes  
aims=0**DIAGNOSES****Current Diagnoses:****Effective Date :** 10/24/2018

1 (F42.9) Obsessive-compulsive disorder, unspecified

**Diagnosed By :** **Diagnosed Date :****Onset Date :** **Previous Onset Date :****Onset Prior to Admission:****R/O:** No**Notes:****Date Updated:** 03/21/2017**SNOMED:** -

2 (F84.0) Autistic disorder

**Diagnosed By :** **Diagnosed Date :****Onset Date :** **Previous Onset Date :****Onset Prior to Admission:****R/O:** No**Notes:****Date Updated:** 03/02/2016**SNOMED:** -

3 (F29) Unspecified psychosis not due to a substance or known physiological condition

**Diagnosed By :** **Diagnosed Date :****Onset Date :** **Previous Onset Date :****Onset Prior to Admission:****R/O:** No**Notes:**

Date Updated: 10/24/2018  
SNOMED: -

**4 (F41.1) Generalized anxiety disorder**

Diagnosed By :      Diagnosed Date :  
Onset Date :      Previous Onset Date :  
Onset Prior to Admission:  
R/O: No  
Notes: BRITTLE DIABETES  
Date Updated: 10/24/2018  
SNOMED: -

**WHODAS 2.0 General Disability      Assessment Date:**

Raw Score:      Avg Score:

Cognition:  
Mobility:  
Self-care:  
Getting along:  
Life activities:  
Participation:

**Psych Diagnoses & Status**

Diagnosis: all

Status: Stable

**Medical Diagnoses & Status**

**COLUMBIA ASSESSMENT**

**1) Wished to be Dead:**

Have you wished you were dead or wished you could go to sleep and not wake up?: No

**2) Suicidal Thoughts:**

Have you actually had any thoughts of killing yourself?: No

**6) Suicidal Behavior Question:**

Have you ever done anything, started to do anything, or prepared to do anything to end your life?: Yes

Was this within the past three months? (please explain): No

**SUMMARY**

Service Modality: Non-Face-to-Face Service

**Current Medications:**

Medication:insulin aspart U-100 100 unit/mL subcutaneous solution

Start Date:10/24/2018

Dosage:

Frequency:

Medication:olanzapine 2.5 mg tablet

Start Date:10/24/2018

Sig:Take 1 Caplet By Oral Route 1 time at bedtime for mood swings

Medication:sertraline 50 mg tablet

Start Date:10/24/2018

Sig:Take 1 Caplet By Oral Route 1 time after breakfast for anxiety

**Plan**

Medication Changes: .

Next Appointment: Date

pm

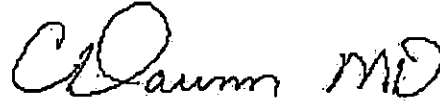
E/M Level: 5

E/M Score: 5

Employee Signature



10/24/18 2:51 PM  
CONRAD DAUM - MD  
MD



Supervisor's Signature

Approved by CDAUM on 10/24/18  
CONRAD DAUM, MD, MD

# **EXHIBIT 13**

**for**


**EVIDENCE FOR  
MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL  
BASED UPON NEW EVIDENCE WHICH COULD NOT BE  
ADMISSIBLE AT THE TIME OF CONVICTION; NEW  
EVIDENCE OF SPOILIATION OF EVIDENCE COMMITTED BY  
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**Commonwealth of Virginia, City of Martinsville v. Brian David Hill  
CASE NO: CR19000009-00**

**Friday, February 11, 2022**



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## Conrad Daum, MD

Psychiatrist

Radford, VA

Conrad Daum, MD is a Psychiatrist in Radford, VA. Conrad Daum completed their Residency at Wake Forest U Baptist Medical Center. Following their education, Conrad Daum was board certified by the American Board of Psychiatry.

Conrad Daum, MD does not participate in Zocdoc to offer online booking at this time.

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Psychiatrist

★★★★★ (8)

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## Conrad Daum, MD

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## Education and background

### Specialties

Psychiatrist

### Board certifications

American Board of Psychiatry Certification in Psychiatry

American Board of Addiction Psychiatry Certification in Addiction Psychiatry

American Board of Forensic Psychiatry Certification in Forensic Psychiatry

American Board of Geriatric Psychiatry Certification in Geriatric Psychiatry

### Education and training

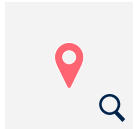
University Of Kentucky College Of Medicine (Medical School)

Wake Forest U Baptist Medical Center (Residency)



NPI number ⓘ

## Conrad Daum's office location



401 W Main St  
Radford, VA 24141

## Find an in-network doctor and book online

Conrad Daum does not participate in Zocdoc to offer online booking at this time. Choose from thousands of doctors on Zocdoc and book an appointment online for free.

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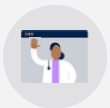
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# **EXHIBIT 14**

**for**

**EVIDENCE FOR  
MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL  
BASED UPON NEW EVIDENCE WHICH COULD NOT BE  
ADMISSIBLE AT THE TIME OF CONVICTION; NEW  
EVIDENCE OF SPOILIATION OF EVIDENCE COMMITTED BY  
COMMONWEALTH OF VIRGINIA; REQUEST FOR  
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,  
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING  
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA  
FOOTAGE AND IT IS LIKELY DESTROYED AND  
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON  
DAY OF CHARGE, ALSO LIKELY DESTROYED**

**Commonwealth of Virginia, City of Martinsville v. Brian David Hill  
CASE NO: CR19000009-00**

**Friday, February 11, 2022**



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EXHIBIT PAGE 154 OF 164  
IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
Durham Division

Brian David Hill,  
Petitioner  
v.  
United States of America,  
Respondent

Case #  
1:13-CR-435-1  
1:17-CV-1036



STATUS REPORT  
OF PETITIONER  
SEPTEMBER 27, 2018

I, Brian David Hill ("Brian D. Hill", "Petitioner") in this § 2255 case, acting pro se in this manner, files this status report and Declaration updating the court for this case. Because of the current situation described herein, Petitioner requests a court appointed lawyer.

DECLARATION

I, Brian D. Hill, produce these statements, subject to the penalties of perjury under U.S. Code:

(1.) I am currently in Martinsville City Jail over a local criminal case and situation where it must be disclosed to the habeas court over what actually happened. Petitioner believes it is connected over the matter concerning and effecting this § 2255 case.

1



(2.) ON SEPTEMBER 18<sup>th</sup> 2018, Somebody was in the ~~the~~ thicket at the end of my neighbor's property and branches moved ~~the~~ whenever I looked in that direction. I was around the period when I was mowing the grass between the time period of 1 to 4 PM. That was a Tuesday. Likely surveilling me.

(3) On September 19, 2018, Wednesday, I called into a political talk show after Sandra Wilson invited me to call into a Family Court issues type of show on Blog Talk Radio, by a I believe it was a woman named Valerie K. Lazarus (hope I spelled it right). Told her about the fraud on the court concerning this case. We also spoke about the Americans with Disabilities Act and the one woman said how if I ~~have~~ had an IEP when I was in school, then they (I assume she meant police) can (or my) get in trouble for violating the Americans with Disabilities Act the way it was handled in regards to my criminal case.

(4) On September 20, 2018, Thursday, some of my memories may have been blacked out. I was under an extreme amount of stress and anxiety already due to the pre-filing injunction Motion. My whole family could tell. My mom had also noticed that my doors were not being kept locked. I was psychologically afraid to sleep in my bed. Sometimes sleeping on the couch and I had a bad feeling something <sup>bad</sup> would happen to me.



I was able to go the Massanutten Resort from Monday to Thursday last week in Rockingham County, VA, in my district. I think it was between Sept. 10 through 13/2018 if I am correct from memory. My family noticed that I didn't want to go back home. As if something was terrifying in my psychological mind, and I haven't kept my door or doors locked. Around 11 I went walking beside the road on the sidewalk and as I was around a warehouse or some kind of building near or around the Martinsville, VA downtown area ~~area~~ near the hiking trail of "Dick and Willie", I was approached by a man in a hoodie, probably some time between 11 to 12 that night. I think maybe between 5 to 6 feet tall, maybe white told me "You ~~had~~ had better take your clothes off in public and take pictures of yourself and place the SD card around the bench ~~water~~ after the bridge..." "or ~~they~~ they would kill my mom Roberta Hill". At one point I felt like I might collapse so I may have been drugged. I had to keep sitting on benches. I didn't want my mother to be killed. My weakness is my Mother. I gave a false confession in 2012 because of being told "You better fess up or else your mother would be held responsible." Whoever threatened me that night knew my weakness. If I walk to the police or don't do what that man said would my mom be shot full of holes while sleeping and killed?

be



I didn't know what to do. I kinda lost my mind when taking pictures of myself. If I didn't put on a good show would my mother be killed like the stuff in Hollywood action movies. I had a feeling it had something to do with the things brought up in my case. The threats from ~~torra~~ail.org messages which were successfully carried out. I knew I couldn't mess with these people, with a threat that serious. Out of fear and desperation I walked, were vehicles would see me with a hand gesture of my hand over my mouth. I was naked on the trail. I was trying to signal with that hand gesture that I was in trouble. I decided not to place the SD card at the bench, as how would they know? Maybe I could still go to the police and warn my mom. As I was walking back I saw a track with a spotlight on me with no way to tell who it was. I was scared so I ran and then noticed a red laser beam light like what private mercenaries, bad guys, and good guys all have. A light came on with a guy yelling at me. I didn't know who he was. I was scared it was them, going to kill me for not exactly following the hoatie guys directives. I ran, fell down the left side slope of the trail getting cuts and scrapes all over my body, until I fell in the ~~river~~ ~~bed~~ creek bed. They were down there and at that point I realized they were police.



I said over and over again while complying "I have Autism, I have Autism, I have Autism, I have Autism." I felt they couldn't hear me out. I said "I was attacked" told Sgt. R.D. Jones that I need to speak with a detective. It was probably around 3 to 4 AM at around Friday, September 21, 2018. He asked me why I was naked on the trail. I tried to explain to him as much of what happened as I could. He mistook my statement of heading towards the YMCA building with the warehouse and I told him "You don't understand Autism." maybe "are you trained in Autism?" Sgt. R.D. Jones said "how do I know you even have Autism?" I responded with Dennis Debbaut, a law enforcement trainer. He did a white paper. People with Autism can give false confessions and misleading statements. Officer you misunderstood what I said about the YMCA building." after or before my answer to his "how do I know you even have Autism?" was "it was in federal court records." He gave me that book where he didn't want to accept anything I said. He even said "If your lying to me, I will charge you with making (or filing) a false report." I looked at him straight in the eyes and said I am not lying, even told him something about "am I supposed to let my mother be killed" or something to that effect. He still wouldn't ~~even~~ accept what I had told him. I then told him "You don't understand Autism. You are violating title II of the Americans with Disabilities Act..."

5



I was being charged with "indecent exposure". I further told Sgt. R.D. Jones that I was going to win the jury trial and sue him for violating the ADA. Argument escalated to me saying to him "f\*ck You". At one point things cooled down and I was in a room with a Magistrate. She, the Magistrate, brought up about my federal criminal conviction and my 2015 probation violation. I explained to her that the case is under a habeas corpus 2255 review for my claim of "actual innocence" or something to that effect. She assumed that it was some kind of an appeal. Told her that the probation violation was over U.S. Probation Officer Kristy L. Burton making false statements, which is perjury and may have mentioned that Anand Prakash Ramaswamy committed subornation of perjury, gave her the federal case number. Also mentioned about fraud on the court. I was given no bond that day. Was charged in Martinsville General District Court, case no. C18-3138. It might be named as Commonwealth of Virginia v. Brian David Hill. At one point I told Sgt. Jones that "you are not doing anything about the drug dealers in my (or our) neighborhood" that the FBI are not doing anything about the threats, I don't trust the police.

(5) On September 26, 2018, I had filed a request form for the jail directing that it be forwarded to MPD Sgt. R.D. Jones with more statements incl. a Declaration as evidence.



I explained that witness Roberta Hill had received a threatening "greeting card" postmarked Tennessee. She received some point (or some time) this year. It had no return address. Gave the officer her phone number.

Then I said under Declaration on the back of that "Request for Interview" form that my first received formail.org ~~mess~~ message said that I was set up with child porn, that Alex Jones... and others were next. <sup>my friends</sup>

(c)  
Some  
information  
omitted

I gave this federal criminal case number, cited Document #46 Declaration of Susan Basko. Then ~~told him a~~ told him in writing about the threatening message that was reported to J. Joy Strickland counsel to the N.C. Department of Justice. I explained that one part of the threatening email message said that I would be set up with violent sex crimes if I don't watch my back. If my mother being killed if I ~~didn't~~ didn't walked naked in public and take pictures, the "indecent exposure" charge may legally be defined as a "violent sex offense". The threats went from formail.org to being physical. I was set up with the violent sex crime of "indecent exposure" just like the 2013 formail threat said would happen.

While I am incarcerated my diabetic blood sugar reads are getting a lot of highs right now. In the 300's 400's, and 500's. I am suffering nerve pain, and other bad effects of high blood sugar.



The Court may request a copy of my September 26, 2018 filed "Request for interview" form from Martinsville, VA City Jail at P.O. Box 1326, Martinsville, VA 24112, or at 300 Clearview Drive, same city. That way that can expand the record for this § 2255 case.

(6) Petitioner requests that an attorney be appointed at this interval for his 2258 case since this incarceration is at a facility that:

(1) Has no law library. The Public Defender in Martinsville cannot represent me for this 2255 case;

(2) Paper and resources are highly limited as per Jail's "rules and regulations". Stamps and envelopes also limited. I won't be able to make valid pleadings compliant with this Court's rules while incarcerated and very limited access to resources needed for this case. I won't be able to properly cite court rules, case law, and statutes while incarcerated; or may

(3) While incarcerated I will not be able to bring up evidence if the habeas court requests;

(4) Be at a large disadvantage, which deprives me of due process under the 14th Amendment of U.S. Constitution. Being deprived of my ability to prove factual innocence in my 2255 case.

If the court cannot appoint court appointed counsel for this 2255 case, alternatively Petitioner asks this honorable Court to delay this 2255 case until Petitioner is not under incarceration.



(7) I make this PROCLAMATION to the hon. Court, to my Mother and family, to the U.S. Probation office, and to Martinsville District Court. The incident of "indecent exposure" is considered isolated and out of character. I swear under oath that it will never happen again. Charge is of a technical nature. I was threatened to get naked I never masturbated, it was a crazy ~~and~~ incident. Whoever threatened me needs to be charged and arrested. My mother hates me over what happened I'm sorry mom I was scared and didn't know what to do. I didn't want my mom to die. I am sorry for leaving around 11. The threats coming at me, the fear, the bad feeling in my gut. Next time I'm threatened I will report to police state police, and FBI. What I did on the hiking trail and leaving without telling my mom, will never ever happen again. I'm tired of the Legal Terrorism, the criminal threats, and being afraid. I just want to prove my actual innocence and move on with my life. I am tired of feeling afraid for my family and my life. It's tearing me apart. My family can tell my health is degrading. I provided so much evidence to the Habeas Court please let me prove my innocence, have an evidentiary hearing. I have facts of innocence. Let me prove it. People with Autism can be manipulated, easily threatened, abused.

(8) Before this charge, I was working on a ~~Rule~~ Rule 11 Motion for sanctions, case law Chambers v. Nasco Supreme Court case (fraud on the court), and citing state bar rule 3.8. I was going to show fraud on the court in the Respondent's factual basis of guilt, in their pre-filing injunction motion, and in the motion to dismiss.



I wanted to show the fraud on the court by Respondent give them 21 days (maybe 25 days) to respond before filing, then the court can decide under Chambers v. NASCO whether Respondent's Motions should be summarily denied. Subornation of perjury by Anand P. Ramaswamy is already a fraud on the Court in 2015. Respondent's resistance to me proving my innocence clearly violates Rule 3.8 of the state's Model Rules of Professional Conduct. N.C. State Bar. Rule 11 sanctions may be appropriate. I will serve them a rule 11 motion copy once released from jail. To resolve the issues between Respondent and Petitioner, Petitioner requests that the U.S. Attorney General appoint special counsel to represent Respondent for this \$2255 case.

Thank You!

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 27, 2018.

Respectfully filed with the court, this the 27<sup>th</sup> day of September, 2018. Brian D. Hill  
Signed

### CERTIFICATE OF SERVICE

Petitioner certifies that he dropped this status report in the Jail institution's mailbox on September 27<sup>th</sup> 2018, addressed to the Clerk, respectfully requests that all parties to the case are served by CM/ECF or by U.S. mailing. Petitioner asks Clerk to mail ~~the~~ letter certifying receipt of this pleading.

10

Brian D. Hill  
Signed

Brian David Hill  
Martinsville City Jail  
P.O. Box 1326  
Martinsville VA 24112

Clerk: Please send letter confirming receipt.



## Declaration and reCertificate of service

Brian David Hill v. United States ~~10~~ October <sup>10</sup> 2018

I Brian David Hill had mailed the wrong address and ~~is~~ refiled the "Status Report of Petitioner September 27, 2018" on October 10, 2018. The address was mailed to 324 W. Market Street, Suite 1, Martinsville, VA 24112. That address was incorrect. It should have been 324 W. Market Street, Suite 1, Greensboro, NC 27401.

So I recertify under the CERTIFICATE OF SERVICE that I file the pleading on Oct. 10, by depositing the pleading in an envelope prepaid in the Jail's mailing system. Again, I ask the Clerk to send me a letter acknowledging receipt of this pleading, and notify me which Document no.'s or I ask that my docket sheet be printed and sent to me showing my last ~~few~~ few entries.

I learned from Martinsville City Jail that I am limited by Jail policies to 1 short ink pen per month, 5 envelopes per week, no law library at all, and they have to destroy all envelopes including legal mail envelopes directed to inmates in MCJ. Envelopes are evidence but Jail officers can destroy envelopes including mail envelopes from Federal Courts. The Jail's policies seem unconstitutional and block me from continuing to ~~proceed~~ proceed in this 2255.

I ask that I be appointed a lawyer for my 2255.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 10, 2018.

Brian D. Hill  
Signed

U.S.W.G.O.

Brian David Hill  
Martinsville City Jail (MCJ)  
P.O. Box 1326, Martinsville, VA  
24112

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,  
CITY OF MARTINSVILLE,  
PLAINTIFF,

v.

BRIAN DAVID HILL,  
DEFENDANT.

CASE NO: CR19000009-00

**MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL BASED  
UPON NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT  
THE TIME OF CONVICTION; NEW EVIDENCE OF SPOILIATION  
OF EVIDENCE COMMITTED BY COMMONWEALTH OF  
VIRGINIA; REQUEST FOR SANCTIONS AGAINST COUNSEL  
GLEN ANDREW HALL, ESQUIRE (OFFICER OF THE COURT) FOR  
VIOLATING COURT ORDERS FOR NOT TURNING OVER BODY-  
CAMERA FOOTAGE AND IT IS LIKELY DESTROYED AND  
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON DAY  
OF CHARGE, ALSO LIKELY DESTROYED**

COMES NOW the Defendant, BRIAN DAVID HILL (“Defendant”), by and through himself pro se, and moves this Honorable Court for the following, for judgment of acquittal or a New Trial based upon new admissible evidence which could not have been legally considered admissible in 2019 until a new law had passed in 2021; and new evidence that the Commonwealth of Virginia by and through Martinsville Police Department had violated one or multiple Court Orders on omission and destruction of discovery materials aka Brady materials pursuant to Brady v. Maryland, 373 U.S. 83 (1963) and pursuant to the Court Orders. **This**



**Motion is pursuant to Virginia Rules of the Sup. Ct. 3A:15;** Virginia Code § 19.2-271.6; and *Schlup v. Delo*, 513 U.S. at 327 — 28. *Settles v. Brooks*, Civil Action No. 07-812, 18 n.6 (W.D. Pa. Jun. 26, 2008).

The request for judgment of acquittal is for criminal case no. CR19000009-00; charge of violating Virginia Code § 18.2-387. Indecent exposure dated September 21, 2018; and the criminal conviction judgment which was rendered on November 18, 2019.

Defendant requests in this motion that the Court consider all new **STATEMENT OF FACTS** concerning new facts of mental illness/disability/disorders which were not admissible at the time of the criminal conviction and spoliation of evidence by the Commonwealth, and that these STATEMENT OF FACTS warrant a judgment of acquittal, A New Trial, or an evidentiary hearing to make a determination on the new facts and allow both sides to present evidence to the Court; present any witnesses for direct examination and cross examination; and make a determination if Defendant had made a requisite showing of Actual Innocence through Legal Innocence, meaning that the law was never violated that a conviction cannot be sustained with the new evidence.

This Motion is pursuant to Virginia Rules of the Sup. Ct. 3A:15; Virginia Code § 19.2-271.6; and *Schlup v. Delo*, 513 U.S. at 327 — 28. *Settles v. Brooks*, Civil Action No. 07-812, 18 n.6 (W.D. Pa. Jun. 26, 2008) (“The Supreme Court in *Schlup* explained that an actual innocence claim in the context of seeking to have a procedural default “forgiven” so as to have the procedurally defaulted claims reviewed on the merits is a “gateway” claim. In other words, the claim of actual innocence in the *Schlup* context is not a claim that because I am actually innocent by virtue of that fact alone I am entitled to federal habeas relief but, rather, is a claim that contends because I am actually innocent, the court should **forgive my**

**procedural default in the State courts and consider my procedurally defaulted claims on their merits. Schlup, 513 U.S. at 315.”)**

Settles v. Brooks, Civil Action No. 07-812, 16 (W.D. Pa. Jun. 26, 2008)  
 (“Petitioner counters that this evidence of his actual innocence overcomes the procedural default because to not entertain his **procedurally defaulted claim of actual innocence would result in a complete miscarriage of justice.**”)

This Court’s criminal conviction entered on the judgment of November 18, 2019, against Brian David Hill, an innocent man, is not a final judgment as the timely direct appeal of that criminal conviction is still pending after filing a timely NOTICE OF APPEAL (CAV Appeal no. 1295-20-3) to the Supreme Court of Virginia on September 9, 2021. Still pending. Therefore the final judgment had not been entered yet and this MOTION is being filed during the appeal pending process of Direct Appeal of the criminal conviction in this case. A judgment is usually not final until a timely appeal had concluded by the highest appeal Court available. Therefore this Motion should not be barred by any time limits. Also “Actual Innocence” is not procedurally time barred and “Actual Innocence” claims cannot be time barred. “Actual Innocence” is not procedurally barred.

Before the Statement of Facts, let us examine a new law as to admissibility of evidence material and relevant to his criminal charge, previously not admissible in the year, 2019, when Defendant had withdrawn his appeal. Defendant had not plead guilty and had retained his right to prove his Actual Innocence and overturn his conviction at a later date. With the new Virginia law in 2021, today is that day.

**CITATION OF § 19.2-271.6. Evidence of defendant's mental condition admissible; notice to Commonwealth.**

A. For the purposes of this section:

"Developmental disability" means the same as that term is defined in § 37.2-100.

"Intellectual disability" means the same as that term is defined in § 37.2-100.

"Mental illness" means a disorder of thought, mood, perception, or orientation that significantly impairs judgment or capacity to recognize reality.

B. In any criminal case, evidence offered by the defendant concerning the defendant's mental condition at the time of the alleged offense, including expert testimony, is relevant, is not evidence concerning an ultimate issue of fact, and shall be admitted if such evidence (i) tends to show the defendant did not have the intent required for the offense charged and (ii) is otherwise admissible pursuant to the general rules of evidence. For purposes of this section, to establish the underlying mental condition the defendant must show that his condition existed at the time of the offense and that the condition satisfies the diagnostic criteria for (i) a mental illness, (ii) a developmental disability or intellectual disability, or (iii) autism spectrum disorder as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association.

## **STATEMENT OF FACTS**

The Statement of Facts is hereby presented to the Circuit Court for Martinsville based on the following new pieces of evidence:

1. Defendant suffers from a neurological mental condition/illness and disorder since childhood known as Autism Spectrum Disorder, this disorder is in The Diagnostic and Statistical Manual of Mental Disorders (DSM). It is a highly diagnosed disorder on many kids with unusual behavior issues in schools and daycares, and is a known disorder. Autism follows the child into adulthood and is considered a permanent neurological disability. Defendant had suffered from such disorder before the time of the alleged incident on September 21, 2018, during the time of the alleged incident on September 21, 2018, and after the time of the alleged

incident on September 21, 2018. This new Virginia Law and the evidence presented by Defendant plays a role in proving that there was NO INTENT to violate Virginia Code, citing Mens Rea, in regards to the charge of Virginia Code § 18.2-387. Indecent exposure, on September 21, 2018. See EXHIBIT 1 (EXHIBIT PAGES 1-3), EXHIBIT 10 (EXHIBIT PAGES 131-137), EXHIBIT 11 (EXHIBIT PAGES 138-139), AND EXHIBIT 12 (EXHIBIT PAGES 140-146).

2. Defendant was diagnosed in October, 2018, as to suffer from a psychosis after making statements about a guy wearing a hoodie threatening to kill his mother if he had not gotten naked. Psychosis Disorder was given to Brian David Hill by Psychiatrist Dr. Conrad Daum, a forensic psychiatrist. Psychosis was found in relevance to and material to the alleged incident on September 21, 2018, regarding the alleged indecent exposure allegations against Brian David Hill.
3. Only in 2019, when the Jury Trial was scheduled for December 2, 2019, Defendant's only best viable option at the time was to attempt to plead not guilty by reason of INSANITY, as at the time was Defendant's only option, but that option was not available to Defendant due to lack of sufficient evidence for the Circuit Court to find Defendant not guilty by reason of insanity. Now with the Legislature's 2021 passage of Virginia Code § 19.2-271.6, **Defendant now can declare himself not guilty by evidence of his mental disorders/illnesses/disabilities and no intent by reason of Autism Spectrum Disorder, Psychosis, and Obsessive Compulsive Disorder.** In regards to INTENT, the intent element of his charge, **Brian David Hill is innocent of the intent element and the intent element by the Commonwealth is disproven by the 2021 admissible evidence which was not admissible in 2019.**
4. The STATEMENT OF FACTS paragraphs 1 and 3; and paragraphs 18-23; could not have been used for the Jury Trial prior to Defendant withdrawing his appeal, filed on November 12, 2019, because the statute/law of Virginia Code § 19.2-

271.6 had not existed until 2021 after the General Assembly passed such bill into law and the Governor's approval by signing the legislation. In 2019, during the pendency of his Trial De Novo, Defendant was only permitted to try for mental insanity plea but that is a very high bar with ghastly consequences of indefinite detention in a State Mental Hospital if it had succeeded. Now thanks to the new 2021 law, now the defendant has another admissible and legal defense and that is his defense of Autism, Obsessive Compulsive Disorder, and Psychosis proving that Defendant had no intent of violating Virginia Code § 18.2-387; and intent is required to be proven to convict Defendant of the charge of violating Virginia Code § 18.2-387. All elements of a criminal charge and allegations must be proven beyond a reasonable doubt to convict, otherwise the Court must acquit.

5. The STATEMENT OF FACTS paragraphs 1 and 3; and paragraphs 18-23; and other FACTS could not have been used in the Jury Trial scheduled for December 2, 2019, even if Defendant had not withdrawn his appeal, filed on November 12, 2019, because the statute/law of Virginia Code § 19.2-271.6 had not existed until 2021 after the General Assembly passed such bill into law and the Governor's approval by signing the legislation. With the law in effect, Defendant can now have a defense for when he takes the matter back to Trial or request for Judgment of Acquittal to save scarce judicial resources by FACTS of Innocence. A criminal case "defense" is considered actual innocence. Having a defense means that you did not break the law, and the legal defense shows that the law was not violated.
6. Now that the statute/law of Virginia Code § 19.2-271.6, had been codified as the law, it nullifies Virginia Supreme Court verdict of Stamper v. Commonwealth, 228 Va. 707 (1985). Due to that Virginia Supreme Court decision, Normally the Courts bar usage of mental disorders and mental disabilities as any defense of NO INTENT or helps prove innocence; cause of that case law authority in the year of 1985 prior to the new law in the year of 2021. However the passage of this new

LAW by the Legislature nullifies that case law, nullifies Stamper v. Commonwealth, 228 Va. 707 (1985) and modifies existing law to permit usage of Developmental disability, Intellectual disability, and mental illness as a legal defense to a criminal charge in regards to INTENT and that such evidence would be admissible when normally it would be barred by the Courts in Virginia. Therefore it is codified as LAW that mental disorders and mental illnesses be considered as part of the evidence, facts, and elements of a charged crime. Mental disorders can disprove one or multiple elements of a charged crime and thus a Defendant cannot be held culpable as previously held under previous law.

**7. THEREFORE, Defendant requests with the Circuit Court in this MOTION to modify and/or extend any existing or create new case law of Virginia Code § 19.2-271.6 with the nullification of Stamper v. Commonwealth, 228 Va. 707 (1985); to hold or find that Defendant Brian David Hill is entitled to a new criminal defense; and thus is either entitled to a New Trial or Judgment of Acquittal by establishing proof of his mental illnesses/disabilities/disorders and that those mental issues are material to the charge and thus prove that Defendant had no INTENT to violate any Virginia Law on the night of September 21, 2018. Defendant requests that the law in this Court must be extended or modified or newly created by the new law to extend to the criminal case of Brian David Hill, and to the wrongful conviction of Brian David Hill on November 18, 2019.**

8. Under the United States and Virginia Constitutions you must be guilty of every element of a crime to be convicted. The Government bears the burden of proving every element of your crime beyond a reasonable doubt. Like in the OJ Simpson Trial case for example, if the glove doesn't fit, the Jury must acquit.
9. Defendant Brian David Hill never plead guilty when he had filed a motion to withdraw appeal. He had a defense with proof of evidence backing such criminal

defense which had not existed (as it was inadmissible in 2019) in the year of 2019 but now existed after the year of 2021. The judge recognized that Brian David Hill never plead guilty, such notion was marked out of the record by permanent black marker pen ink. On the Judgment entered by Hon. Giles Carter Greer on November 18, 2019: he or his Law Clerk had stricken from the record any notion of such. Therefore, it is a fact that Defendant never plead guilty to this charge in any Court of Law.

10. The Virginia Code § 19.2-271.6 provides that a Defendant can file and assert evidence to support his defense now that he had “no intent” to commit any criminal act on September 21, 2018. The law says “and shall be admitted if such evidence (i) tends to show the defendant did **not have the intent required for the offense charged**” (citations omitted).
11. With the new evidence presented along with the STATEMENT OF FACTS paragraphs 1 through 10; paragraphs 18 through 23; on December 21, 2018, the General District Court erred in finding that the evidence before it was sufficient to find that Defendant violated Virginia Code § 18.2-387 because the evidence **failed to show that the Defendant acted intentionally** to make an obscene display or exposure of his person. That means the Circuit Court also erred in affirming the judgment of the General District Court on November 18, 2019.
12. That criminal law statute provides, in relevant part, that “[e]very person who **intentionally** makes an **obscene** display or exposure of his person, or the private parts thereof, in any public place, or in any place where others are present, or procures another to so expose himself, shall be guilty of a Class 1 misdemeanor.” Va. Code § 18.2-387 (emphases added).
13. “The ‘obscenity’ element of Code § 18.2–387 may be satisfied when: (1) the accused admits to possessing such intent, *Moses v. Commonwealth*, 611 S.E.2d

607, 608 (Va. App. 2005)(*en banc*); (2) the defendant is visibly aroused, *Morales v. Commonwealth*, 525 S.E.2d 23, 24 (Va. App. 2000); (3) the defendant engages in masturbatory behavior, *Copeland v. Commonwealth*, 525 S.E.2d 9, 10 (Va. App. 2000); or (4) in other circumstances when the totality of the circumstances supports an inference that the accused had as his dominant purpose a prurient interest in sex, *Hart*, 441 S.E.2d at 707–08. The mere exposure of a naked body is not obscene. See *Price v. Commonwealth*, 201 S.E.2d 798, 800 (Va. 1974) (finding that “[a] portrayal of nudity is not, as a matter of law, a sufficient basis for finding that [it] is obscene’.” *Romick v. Commonwealth*, No. 1580-12-4, 2013 WL 6094240, at \*2 (Va. Ct. App. Nov. 19, 2013)(unpublished)(internal citations reformatted).

14. While the evidence may show that Defendant was naked in public at night, as stated in the original Criminal Complaint Affidavit filed on September 21, 2018 by Officer Robert Jones of Martinsville Police Department; nudity, without more, is not obscene under Virginia law. Rather, “[t]he word ‘obscene’ where it appears in this article shall mean that which, **considered as a whole, has as its dominant theme or purpose an appeal to the prurient interest in sex**, that is a shameful or morbid interest in nudity, sexual conduct, sexual excitement, excretory functions or products thereof or sadomasochistic abuse, and which goes substantially beyond customary limits of candor in description or representation of such matters and which, taken as a whole, does not have serious literary, artistic, political or scientific value.” Va. Code § 18.2-372 (emphasis added). While Virginia does not appear to have established a clean definition of criminal intent, Black’s Law Dictionary defines it as “[a]n intent to commit an actus reus without any justification, excuse, or other defense.”

15. In summary, in order to show that the Defendant committed the offense of indecent exposure under Virginia law, the Commonwealth was required to prove,



among other things, that the Defendant had the intent to display or expose himself in a way which has, as its dominant theme or purpose, appeal to the prurient interest in sex, as further defined above, without any justification, excuse, or other defense.<sup>1</sup> The Commonwealth failed to do so. Rather, the Commonwealth's evidence, presented through its own witnesses, showed the Defendant as someone who was running around naked between midnight and 3:00 a.m. and taking pictures of himself because he believed that someone was going to hurt his family if he did not do so. See **EXHIBIT 4**. See EXHIBIT PAGES INDEX PAGES 45-46.

16. The General District Court on the Trial of December 21, 2018 and the Circuit Court while pending a Trial De Novo did not hear of Virginia Code § 19.2-271.6; and any evidence admissible pursuant to Virginia Code § 19.2-271.6 (2021, law) could not be admissible at the time of General District Court on the Trial of December 21, 2018; and not to be at the time of the Jury Trial set for the date of December 2, 2019, in the Circuit Court for the City of Martinsville. Now new evidence can be heard and be admitted for the Jury Trial or Judgment of Acquittal or New Trial by a rational trier of fact.

17. Had the passage of Virginia Code § 19.2-271.6 been prior to the Jury Trial set for December 2, 2019, the Defendant never would have filed a motion to withdraw appeal. The passage of Virginia Code § 19.2-271.6 gives the defendant a defense which had not been allowed previously at the time of both Trials in both the General District Court and the Circuit Court. The cause and passage of Virginia

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<sup>1</sup> For the reasons stated above, the government's burden was to prove every element of the offense, including the mens rea, beyond a reasonable doubt. However, even if, arguendo, this Court were to find that the government's burden was only a preponderance of the evidence, the government has still failed to carry its burden.

Code § 19.2-271.6 had caused the Defendant to want to pursue either a New Trial, Actual Innocence, or Judgment of Acquittal. Since evidence that Defendant could not be allowed to use in both Trials is now permissible to be used and is admissible. This gives the Defendant, a laser-focused legal defense which can be used to be found not-guilty by a jury. A laser-focused legal defense which was not afforded to him in 2019 due to the previous law or laws regarding admissibility of mental illness, mental disability, and mental disorders as evidence for his/her defense to a criminal charge.

18. The General District Court and the Circuit Court did not hear, however, any evidence of Defendant having his dominant theme, or purpose being an appeal to the prurient interest in sex. For example, there was no evidence of Defendant making any sexual remarks, being aroused, masturbating, or enjoying his conduct, sexually or otherwise. If a person was purposing to expose himself in public because he or she found it sexually arousing, it would be logical that he or she would pick a place and time where he or she would expect to encounter lots of members of the public. Defendant did not do that. Rather, he was running around between midnight and 3:00 a.m. and the witnesses to his nudity were few. Hence, the statements Defendant made to police and his conduct both indicate that, in the light most favorable to the Commonwealth, he was naked in public **while having a psychiatric episode or mental breakdown**, but **without the intent necessary to commit indecent exposure under Virginia law**. Therefore, the Circuit Court and General District Court erred, as a matter of law, when it found that Defendant had violated Virginia Code § 18.2-387. The conviction must be vacated as soon as possible.
19. There was only one Mental Evaluation ordered by the General District Court regarding the time of the alleged incident on September 21, 2018, and at the time it was only regarding Mental Insanity or Competency. That evaluation was

conducted for this case in the General District Court, before it was appealed as a Trial De Novo review. Despite it being only for “Competency to Stand Trial”, that evaluation is relevant and material to what had happened on September 21, 2018. For GC18-3138. Evaluation Report is sealed so I am referring to the entire SEALED EVALUATION CASE FILES. Anyways, that evaluation was not pursuant to Virginia Code § 19.2-271.6, but nevertheless that mental evaluation by Dr. Rebecca K. Lochrer, PhD, shall constitute material evidence in support of Defendant’s defense in his criminal case pursuant to Virginia Code § 19.2-271.6. Therefore Defendant did push for such mental evaluation, even though in 2018 it was only permitted to be an evaluation for competency and/or insanity. Some of the diagnoses are: “Autism Spectrum Disorder” and “Obsessive Compulsive Disorder”. Both of those are evidence pursuant to Virginia Code § 19.2-271.6, and prove that Defendant had such disorders at the time of the alleged incident as charged on September 21, 2018.

20. There was an issue of non-compliance with one element of the Court Order for a Mental Evaluation where Attorney Scott Albrecht of the Public Defender Office in 2018 was supposed to provide all mental health records known to him and medical records known to him to Dr. Rebecca K. Lochrer, PhD, for the mental evaluation. Scott Albrecht did not provide a documented diagnosis from forensic psychiatrist Dr. Conrad Daum in October 24, 2018, where he had diagnosed Defendant as having “Psychosis” referring to Psychosis Disorder and “Autistic Disorder” referring to Autism Spectrum Disorder. See **Exhibit 12** (EXHIBIT PAGES 140-146) for the diagnosis on October 24, 2018. That was omitted from her PSYCHOLOGICAL EVALUATION and never introduced to Dr. Rebecca K. Lochrer, PhD, so she was in the dark in regards to the psychosis diagnosis. She, the psychological evaluator for the criminal case did not know about that past diagnosis which means her report was premature, erroneous (by lack of all

knowledge of all mental reports) and incomplete due to lack of her access to all relevant and material mental health records that Attorney Scott Albrecht may have been aware of but failed to give her a copy of as asked by the Court. See **Exhibit 13** (EXHIBIT PAGES 147-152), for the information on Dr. Conrad Daum being a “American Board of Forensic Psychiatry Certification in Forensic Psychiatry”. So he is a certified forensic psychiatrist, which means his evaluations and expertise is admissible in Federal and/or State Courts. Also now admissible under Virginia Code § 19.2-271.6.

21. The evaluation referenced and cited in paragraphs 17 and 18, prove for a fact that Defendant Brian David Hill suffers from Autism Spectrum Disorder, Obsessive Compulsive disorder, and a psychosis around the time of the charge of Brian David Hill for the alleged claim that Brian David Hill committed indecent exposure and was charged with violating Virginia Code § 18.2-387.
22. It is a fact that Brian David Hill has Autism Spectrum Disorder and had this disorder/illness since he was a child. See **Exhibit 1** (EXHIBIT PAGES 1-3). **Exhibit 1** is the “DISABLED PARKING PLACARDS OR LICENSE PLATES APPLICATION” with a Doctor’s medical certification in the year 2016 that Brian David Hill is permanently limited or impaired, because of his Autism Spectrum Disorder. See **Exhibit 10** (EXHIBIT PAGES 131-137). **Exhibit 10** is the “DIVISION FOR TREATMENT AND EDUCATION OF AUTISTIC AND RELATED COMMUNICATION HANDICAPPED CHILDREN, Department of Psychiatry, University of North Carolina, DIAGNOSTIC EVALUATION”. This proves to the Circuit Court of the City of Martinsville, that Brian David Hill’s claim of being autistic is not merely some new claim and is not some new claim to attempt to make Brian appear to be Autistic, but he is autistic for many years, for decades, well since he was four years old. He is Autistic and has always been Autistic since the age of 4 as documented by the **Exhibit 10** diagnostic report.

Brian David Hill establishes a STATEMENT OF FACT that Brian David Hill has been autistic since childhood, and thus this is a real disorder and he had this disorder in the 1990s even before 2018. This makes this FACT an undeniable FACT. Prima Facie evidence.

23. It is a fact that Brian David Hill has Autism Spectrum Disorder and had this disorder/illness in 2017 as well. See **Exhibit 11** (EXHIBIT PAGES 138-139), Letter from “Dr. Shyam E. Balakrishnan, MD”. The DMV record referenced in paragraph 20 and the letter both demonstrate the prima facie evidence that Brian David Hill has Autism Spectrum Disorder and Obsessive Compulsive Disorder.
24. There is an expert witness documented report (a whitepaper) from a Law Enforcement trainer regarding Autism Spectrum Disorder and interactions with Law Enforcement Officers. That would include interactions with people like for example: Commonwealth witness and Police Officer Robert R. Jones, who interacted with Brian David Hill on September 21, 2018, who Brian David Hill had Autism Spectrum Disorder. I submit to the Circuit Court of the City of Martinsville, a relevant and material whitepaper and expert witness testimony, 3-page report from Dennis Debbaudt. The Commonwealth of Virginia and the Circuit Court may contact this expert witness and subpoena him or depose him, expert named Dennis Debbaudt, at the address of 2338 SE Holland Street, Port St. Lucie, Florida 34953. His email is [DDPI@flash.net](mailto:DDPI@flash.net). Phone: (772) 398-9756. The expert witness report applies to Brian David Hill on the situation with his interactions with Officer Robert Jones, the charging Officer on September 21, 2018. The report is titled: “Interview and Interrogation of people with autism (including Asperger syndrome)” This shall be a STATEMENT OF FACT regarding any oral or written statements obtained from Brian David Hill by Officer Robert Jones can be part of his Autism Spectrum Disorder. Brian David Hill warned Officer Robert Jones that he had Autism and can give misleading

statements when questioned. The officer refused to take heed of Brian's advice of his mental disability, of his communications issues, and totally treated it as if it weren't true, despite the medical records proving that Brian had Autism and has Autism. Brian didn't lie to the officer. Officer Jones did not take any of Brian's statements about Autism into account or consideration when charging the Defendant. See **Exhibit 14** (EXHIBIT PAGES 153-164).

25. According to **Exhibit 14** (EXHIBIT PAGES 153-164), a Federal Court Declaration Brian David Hill had filed notifying the U.S. District Court about the incident and his charge which had occurred on September 21, 2018. It is titled: "STATUS REPORT OF PETITIONER SEPTEMBER 27, 2018". Six (6) days after his arrest and charge. The reason it was filed on the date of October 17, 2018, was because Defendant had mailed the legal pleading to the wrong address: "324 West Market Street," "Martinsville, Virginia 24112". The mailing got returned to him (RETURN TO SENDER) for no such address and Brian David Hill later realized that he mailed the wrong city and State, and mailed it to the correct address of the Federal Courthouse at 324 West Market Street, Greensboro, North Carolina 27401. The **Exhibit 14** document is his statements about what he personally believed had happened on September 21, 2018, and what led up to it. He even said he thought he was "drugged" and yet the Commonwealth of Virginia never mandated any drug test DESPITE Defendant's claims of being "drugged", and it is their fault, it is the fault of Martinsville Police Department and Martinsville City Jail for not drug testing him when he is making statements in Federal Court, in writing, claiming that he thought he was drugged. Those written statements can be proven. I bet Defendant also told his attorney and/or the Officer and Brian's family during visitation that Defendant thought he was drugged and had blackouts. The Commonwealth never requested any drug test or Carboxyhemoglobin test because they were afraid that it would prove Brian Hill's

statements to be true, referring to any statements he made to Officer Robert Jones when being questioned about why he was naked.

26. This STATEMENT OF FACT shall present evidence that Defendant was deprived of Brady evidence material from the Commonwealth of Virginia in violation of multiple Court Orders, in violation of his Constitutional rights pursuant to Brady v. Maryland, 373 U.S. 83 (1963). Not just deprived of evidence, but evidence was destroyed by the Commonwealth of Virginia. Evidence such as: (#1) body-camera footage recorded by Officer Robert Jones and body-camera footage of any other police officers involved on September 21, 2018, regarding the arrest and interview/interrogation of Brian David Hill on September 21, 2018. Evidence such as: (#2) Blood vials drawn from Brian David Hill's arm at the Hospital after police detained Brian David Hill and handcuffed him and taken him to the Hospital. Technically Defendant was in Law Enforcement custody, in the custody of Martinsville Police Department after he was detained, and was at the Hospital with the officers present with defendant handcuffed. They were responsible for collection of any evidence and preservation of any evidence including biological evidence, concerning a pending criminal case matter before a Court. Biological evidence including blood samples and blood drawn from Defendant after being detained at a creek and had been taken to the Hospital by Martinsville Police and being driven there in an ambulance but still was under police custody. Blood vials were destroyed and laboratory tests which were supposed to be conducted including any drug or alcohol tests were then cancelled and blood vials destroyed. Martinsville Police Department was represented by the Commonwealth of Virginia, and Martinsville Police Department had committed two acts of spoliation of evidence. Therefore, the Commonwealth of Virginia destroyed evidence in violation of Court Orders and therefore, have violated multiple Court Orders which is CONTEMPT OF COURT, multiple times. Not

only has the Commonwealth of Virginia through its counsel Glen Andrew Hall, Esquire, committed the offenses of CONTEMPT OF COURT by omission of the body-camera footage and the blood vials drawn from Brian's arm, but had destroyed evidence and the Circuit Court should sanction Glen Andrew Hall, Esquire for destruction of biological evidence and destruction of video footage by a police body-camera recorded on September 21, 2018 of Brian David Hill.

The Circuit Court should punish Glen Andrew Hall and Martinsville Police department for violating one or multiple Court Orders.

See inherit or implied power and authority of all Courts under *Chambers v. Nasco, Inc.* (90-256), 501 U.S. 32 (1991); *Hazel-Atlas Glass Co. v Hartford-Empire Co.*, 322 U.S. 238 (1944).

Spoliation of Evidence is considered a FACT, and can be part of the STATEMENT OF FACTS because any spoliation of evidence by the Plaintiff/Prosecutor of a criminal or civil case means that his/her case was a weak or unfounded one from the very beginning no matter what alleged facts are filed of his/her cause.

For purposes of this Motion, "destruction of evidence" means rendering discoverable matter permanently unavailable to the court and the opposing party. Such a broad definition is necessary because of the great many contexts in which courts and commentators have considered destruction of evidence. It has two components: destruction and evidence.

See 2 J. WIGMORE (John Henry Wigmore), *EVIDENCES* § 278, at 133 James Harmon Chadborn ed., Little, Brown 1979) (1940) (emphasis added). See Federal Rules of Evidence 401.; 32 C.J.S. Evidence § 535 (2008); Evidence—Admissibility of



Attempts by a Party to Suppress Evidence, 9 TEX. L. REV. 79, 100 (1930) (stating that it has “long been recognized” that a party’s misconduct in manipulating evidence is admissible as indicating a “consciousness of the weakness of his case,” and citing cases from the 1800s that applied the inference to the fabrication, suppression, or destruction of evidence).

See *United Medical Supply Company, Inc. v. U.S.*, No. 03-289C, 8 (Fed. Cl. Jun. 27, 2007) (“Spoliation is the destruction or significant alteration of evidence, or failure to preserve property for another's use as evidence in pending or reasonably foreseeable litigation.” *West v. Goodyear Tire Rubber Co.*, 167 F.3d 776, 779 (2d Cir. 1999) (citing *Black's Law Dictionary* 1401 (6th ed. 1990)); see also *Allstate Ins. Co. v. Hamilton Beach/Proctor Silex, Inc.*, 473 F.3d 450, 457 (2d Cir. 2007). It has long been the rule that spoliators should not benefit from their wrongdoing, as illustrated by “that favourite maxim of the law, *omnia presumuntur contra spoliatores*,” 1 Sir T. Willes Chitty, et al., *Smith's Leading Cases*, 404 (13th ed. 1929). Spoliation may result in a variety of sanctions, with “the oldest and most venerable remedy” being an “adverse inference,” under which the finder of fact may infer that the destroyed evidence would have been favorable to the opposing side. Jonathan Judge, “Reconsidering Spoliation: Common-Sense Alternatives to the Spoliation Tort,” 2001 Wis. L.Rev. 441, 444 (2001); see also Jamie S. Gorelick, Stephen Marzen Lawrence Solum, *Destruction of Evidence* § 1.3 (1989) (hereinafter “Gorelick”).”)

If you catch the other side engaged in falsification including destruction of evidence, you can use that to argue that the other side's entire position lacks merit. And even more fundamentally, judges and juries do not like being tricked. If a judge or jury agrees that your opponent has engaged in falsification—even falsification relating only to one of several issues in the case—it will hold this quite strongly against your opponent and will come to doubt the validity of everything your opponent says and claims.

See 501 U.S. at 56–57; see also *Synanon Found., Inc. v. Bernstein*, 517 A.2d 28, 43 (D.C. 1986) (once a party embarks on a “pattern of fraud,” and “[r]egardless of the relevance of these [fraudulent] materials to the substantive legal issue in the case,” this is enough to “completely taint [the party’s] entire litigation strategy from the date on which the abuse actually began”).

See Some examples are: *Breezevale Ltd. v. Dickinson*, 879 A.2d 957, 964 (D.C. 2005) (**affirming sanction of dismissal where top executives of plaintiff company engaged in scheme to forge documents and subsequently denied the forgery in pleadings and sworn testimony**); *Synanon Found., Inc. v. Bernstein*, 503 A.2d 1254, 1263 (D.C. 1986) (**affirming sanction of dismissal where plaintiff, inter alia, destroyed audiotapes and made false statements to the court “that no responsive documents could be found” in order “to deceive the court, and to improperly influence the court in its decision on the defendants’ motions to compel, with the ultimate aim of preventing the judicial process from operating in an impartial fashion”**); *Cox v.*

Burke, 706 So. 2d 43 (Fla. Dist. Ct. App. 1998) (affirming sanction of dismissal where plaintiff gave false answers to interrogatories and deceptive deposition testimony); Pope v. Fed. Express Corp., 974 F.2d 982, 984 (8th Cir. 1992) (affirming sanction of dismissal for plaintiff's forgery of, and reliance on, a single document); Aoude v. Mobil Oil Corp., 892 F.2d 1115 (1st Cir. 1989) (affirming dismissal where plaintiff concocted a single document); Tramel v. Bass, 672 So. 2d 78, 82 (Fla. Dist. Ct. App. 1996) (**affirming default judgment against defendant who excised damaging six-second portion of videotape** before producing it during discovery).

**FACTS AND ISSUES WARRANTING JUDGMENT OF ACQUITTAL AND/OR  
SANCTIONS AGAINST GLEN ANDREW HALL, ESQUIRE, AND AGAINST  
THE COMMONWEALTH OF VIRGINIA**

1. The General District Court of Martinsville had entered an Order on the date of November 28, 2018. See **EXHIBIT 5** (EXHIBIT PAGES 112-114) to this filing. That order had not been complied with by the Commonwealth of Virginia for spoliation and omission of the body-camera footage recorded on September 21, 2018. Blood vials are biological human evidence, so it is considered Brady discovery materials and are relevant and material to September 21, 2018, and this such spoliation also violates this Court Order.

2. This Circuit Court for the City of Martinsville and the General District Court of the City of Martinsville did not know that the Commonwealth of Virginia and the City of Martinsville, through its legal counsel named Glen Andrew Hall, Esquire, had not followed the Court Orders of November 28, 2018; February 6, 2019; and July 15, 2019. That he did not comply with those Court Orders and flagrantly violated those Court Orders without giving a good reason to justify such action(s).
  
3. The Circuit Court for the City of Martinsville had entered an Order on the date of February 6, 2019. See **EXHIBIT 6** to this filing (EXHIBIT PAGES 115-118). Order for discovery materials. That order had not been complied with by the Commonwealth of Virginia for spoliation and omission of the body-camera footage recorded on September 21, 2018. Blood vials are biological human evidence, so it is considered Brady discovery materials and are relevant and material to September 21, 2018, and this such spoliation also violates this Court Order.
  
4. The Circuit Court for the City of Martinsville had entered an Order on the date of July 15, 2019. See **EXHIBIT 7** to this filing (EXHIBIT PAGES 119-122). Order for discovery materials. That order had not been complied with by the Commonwealth of Virginia for spoliation and omission of the body-camera footage recorded on September 21, 2018. That order had not been complied with by the Commonwealth of Virginia for spoliation and omission of blood vials, aka biological evidence obtained from Brian David Hill while at Sovah Hospital on September 21, 2018, while in the custody of Martinsville Police department before being charged with indecent exposure. Blood vials are biological human evidence, so it is considered Brady discovery materials and are relevant and material to September 21, 2018, and this such spoliation also violates this Court Order.

5. Evidence in the Court record attached thereto had proven that the Defendant had repeatedly asked for the police body-camera footage and made statements under Affidavit in the Federal Court and had sent written letters to Martinsville Police Department. All of those letters asked for the Police body-camera footage as was supposed to be to comply with the General District Court's order dated November 28, 2018. See **EXHIBITS 2 (EXHIBIT PAGES 4-27) AND 3 (EXHIBIT PAGES 28-29)**.
6. Scott Albrecht was too afraid to push for a contempt proceeding against Glen Andrew Hall, Esquire, for failing and refusing to turn over a copy of the Martinsville Police body-camera footage which is relevant non-subjective evidence dated September 21, 2018, and refused or failed to allow inspection or copying of this relevant non-subjective evidence to defense attorney Scott Albrecht. Defendant kept asking for this body-camera footage over and over again. His requests went unanswered and then the body-camera footage was later destroyed as Defendant found out from Attorney Matthew Clark that Martinsville Police Department had a body-camera footage evidence retention period before destroying the evidence. It doesn't matter about the evidence retention period, because the Court Order demanded that this Brady material be turned over to the Defendant and his counsel to have it inspected and make copies for the purpose of legal defense to the criminal prosecution's charge.
7. The Martinsville Police Department who originally had filed the complaint in this case, is and was represented by Glen Andrew Hall, Esquire, and the Martinsville Police Department is the client of the Commonwealth Attorney Glen Andrew Hall, Esquire. As the client, the client as well as its representative legal counsel has to comply with whatever Court Orders are entered at the direct of this Court. Defendant was charged

with Virginia Code § 18.2-387, Indecent Exposure, in the City of Martinsville. When a criminal charge or any litigation is pending, evidence is supposed to be retained and safeguarded until the litigation is concluded and all appeal or appeals exhausted.

8. Martinsville Police Department did retain the body-camera footage at the beginning of when it was recorded as was outlined in a public news article printout titled: “Body Cameras Proving Useful for Martinsville Police | WSET”. See **EXHIBIT 2** (EXHIBIT PAGES 4-27) AND **EXHIBIT 8** (EXHIBIT PAGES 123-126).
9. While the General District court can argue that they transferred the case to the Circuit Court of Martinsville. This order originally came from the General District Court of the city of Martinsville. The Circuit Court may or may not hold the legal counsel in contempt for violating a General District Court order. However Glen Andrew Hall, Esquire, did violate that General District Court Order and two Circuit Court Orders with all intents and purposes described in this Motion and its attachments/Exhibits herein. This Court still has the power from its inherit powers to push for a contempt charge or contempt proceeding against Glen Andrew Hall for not complying with the Court Order in **EXHIBIT 5** (EXHIBIT PAGES 112-114) and the other two Court Orders as exhibited herein in Exhibits 5, 6, and 7.
10. Since it was up to Attorney Scott Albrecht entirely to ensure the proper following of the Orders of this Court, Scott Albrecht should also be considered as an accomplice of the contempt behavior of the Commonwealth Attorney Glen Andrew Hall, Esquire, since he allowed such blatant violation of the General District Court’s (“GDC’s”) and this Court's Order for discovery.

Citation of Court Order (COPY OF COURT ORDER, **EXHIBIT 5, EXHIBIT PAGES**  
**112-114**):

It appearing to the Court that discovery pursuant to Rule 7C:5 should be granted to the Defendant, it is hereby ORDERED and DECREED that the Commonwealth's Attorney permit counsel for the Defendant to inspect and copy or photograph, within a reasonable time, before the preliminary hearing, the following:

(1) Any relevant written or recorded statements or confessions made by the Defendant, or copies thereof, or the substance of any oral statements or confessions made by the Defendant to any law enforcement officer, the existence of which is known to the attorney for the Commonwealth;

(2) [citation omitted]

(3) Any exculpatory information or evidence as set forth by Brady v. Maryland and its progeny that is known to the Commonwealth.

[Citations reformatted above. May have minor spelling issues as it was copied and pasted]

Citation of Court Order (COPY OF COURT ORDER, **EXHIBIT 6, EXHIBIT PAGES**  
**115-118**):

Came this day, the Defendant, Brian David Hill, by counsel, who moved, pursuant to

Rule 3A:11 of the Rules of Court, that the Commonwealth's Attorney be directed to permit the

Defendant discovery in this case, as set forth in the said Rule, and upon the motion of the

attorney of the Commonwealth requesting reciprocal discovery under the said Rule; and,

It appearing to the Court that discovery pursuant to Rule 3A:11(b) should be granted to

the Defendant, it is hereby ORDERED that the Commonwealth's Attorney permit counsel for the

Defendant to inspect and copy or photograph, within a reasonable time, before the trial or

sentencing, the following:

(1) Any relevant written or recorded statements or confessions made by the

Defendant, or copies thereof, or the substance of any oral statements or confessions made by the

Defendant to any law enforcement officer, the existence of which is known to the attorney for the

Commonwealth, any certificates of analysis pursuant to § 19.2-187, and any relevant written

reports of autopsies, ballistic tests, fingerprint analyses, handwriting analyses, blood, urine, and,

breath tests, other scientific reports, and written reports of a physical or mental examination of

the Defendant or the alleged victim made in connection with this particular case, or copies

thereof, that are known by the Commonwealth's Attorney to be within the possession, custody, or

control of the Commonwealth.

(2) Any exculpatory information or evidence under the guidelines established by

Brady v. Maryland, 373 U.S. 83 (1963), and subsequent case law, whether by way of statements,

real evidence, scientific analysis, or reports, known to or in the possession of the

Commonwealth

[Citations reformatted above. May have minor spelling issues as it was copied and pasted]



Citation of Court Order (COPY OF COURT ORDER, **EXHIBIT 7, EXHIBIT PAGES**  
**119-122**):

Came this day, the Defendant, Brian David Hill, by counsel,  
who moved, pursuant to

Rule 3A:11 of the Rules of Court, that the Commonwealth's  
Attorney be directed to permit the

Defendant discovery in this case, as set forth in the said Rule,  
and upon the motion of the

attorney of the Commonwealth requesting reciprocal discovery  
under the said Rule; and,

It appearing to the Court that discovery pursuant to Rule  
3A:11(b) should be granted to

the Defendant, it is hereby ORDERED that the Commonwealth's  
Attorney permit counsel for the

Defendant to inspect and copy or photograph, within a  
reasonable time, before the trial or

sentencing, the following:

(1) Any relevant written or recorded statements or confessions  
made by the

Defendant, or copies thereof, or the substance of any oral  
statements or confessions made by the

Defendant to any law enforcement officer, the existence of  
which is known to the attorney for the

Commonwealth, any certificates of analysis pursuant to § 19.2-  
187, and any relevant written

reports of autopsies, ballistic tests, fingerprint analyses,  
handwriting analyses, blood, urine, and

breath tests, other scientific reports, and written reports of a  
physical or mental examination of

the Defendant or the alleged victim made in connection with this  
particular case, or copies

thereof, that are known by the Commonwealth's Attorney to be  
within the possession, custody, or

control of the Commonwealth.

(2) Any exculpatory information or evidence under the guidelines established by

Brady v. Maryland, 373 U.S. 83 (1963), and subsequent case law, whether by way of statements,

real evidence, scientific analysis, or reports, known to or in the possession of the

Commonwealth

[Citations reformatted above. May have minor spelling issues as it was copied and pasted]

11. That order and possibly the other two Court Orders from the Circuit Court said: “Any relevant written or recorded statements or confessions made by the Defendant, or copies thereof, or the substance of any oral statements or confessions made by the Defendant to any law enforcement officer, the existence of which is known to the attorney for the Commonwealth”. They did know about it because any letters mailed to the Chief of Police or the Commonwealth Attorney are known to the Commonwealth Attorney. This was likely during the evidence retention period still in effect at that time for the Police body-camera footage. However the evidence retention period should not matter during a pending criminal litigation. Whether it be a civil litigation hold letter request or a criminal case proceeding, destruction of any evidence which is relevant and directly relevant or material to the prosecution of the case and to the defense of that said criminal prosecution is in direct violation of that Court Order or Court Courts. The multiple letters mailed by Brian David Hill on a pro se basis to the Martinsville Police Department and the letter mailed by Kenneth Ray Forinash and/or Stella Forinash who had mailed a typed copy of that same letter Brian had mailed multiple times to the Martinsville Police Department requesting that body-camera footage as it was supposed to have been turned over pursuant to the Court Order received by Glen Andrew Hall, Esquire, and ordered of Glen Andrew Hall, Esquire, an officer of the Court. Licensed to practice law in that Court,

licensed to practice law in the Commonwealth of Virginia. They knew as multiple letters were mailed, the Court had ordered such evidence to be turned over pursuant to Brady v. Maryland and Virginia Court Rules.

12. See the one Court Order from the General District Court (**Exhibit 5**) (EXHIBIT PAGES 112-114) and the two Court Orders from the Circuit Court requesting Discovery materials from the Commonwealth of Virginia (**Exhibit 6 (EXHIBIT PAGES 115-118), Exhibit 7 (EXHIBIT PAGES 119-122)**) which the Martinsville Police Department did not comply and thus legal counsel Glen Andrew Hall, Esquire for the Commonwealth of Virginia did not comply with all three of the Court Orders.
13. It is clear that the evidence being destroyed is a blatant non-compliance with the General District Court order dated November 28, 2018 and the Circuit Court orders dated February 6, 2019, and July 15, 2019. Refusing to comply with a Court Order when ordered to do such a thing, whatever the Order says, is usually considered “Contempt of Court” when somebody refuses to comply with such an order. It is also considered defrauding the Court when the destruction of such evidence led to the Guilty verdict against Brian David Hill. Had the evidence not been destroyed, Brian would have had a good chance at winning as evidence inside of the body-camera footage could have been used to point out various things favorable to Brian David Hill's legal innocence to his charge of Indecent Exposure under Virginia Code § 18.2-387. Legal defense to the charge, Legal Innocence, referring to the same matter.
14. All Courts and Judges have the exclusive Constitutional inherit and implied powers to enforce their Court Orders and handle their own affairs. Courts also have the right to overturn a case fueled by FRAUD. Courts also consider destruction of evidence to be defrauding the Court as it had deceived the Court since the Court is a fact finding venue,

a quest to find out the truth on whether a person actually committed a crime or not, a fact finding Judicial branch of Government. If evidence is destroyed, then they cannot have the integrity to conduct proper fact finding in a criminal or civil case. It distorts and tears at the Judicial Machinery. When a Court Orders evidence to be turned over to another party and instead that evidence is destroyed without a good reason, evidence they were supposed to have and turn over or allow a copy to be made or whatever the case may be, then this leads to the Court having no legal power to do anything. This deteriorates justice to the extent where nobody respects the Court and nobody is respecting its authority and not respect its officers when there is no punishment or sanction against a rebellious non-complying officer rebelling against a lawful order of the Court. An officer of the Court is under higher standards than pro se filers because they swore an oath, that they will conduct their lawful duties and follow the laws including rules of the Court as well as the Bar rules of Professional Conduct for licensed attorneys. They have ethical duties as required by the State Bar. They have a higher standard of care regarding their conduct.

15. The City of Martinsville and its Martinsville Police department had destroyed the body-camera footage which is technically termed as: Spoliation. Spoliation is defined as the destruction or a significant or meaningful alteration of evidence.
16. The legal remedy for spoliation is sanctions against the spoliator which may range from exclusion of evidence up to dismissal of a case, or acquittal of the Defendant or a favorable decision of the victim party who is a victim from such spoliation of evidence. In determining the appropriate sanction, the trial court is required to consider:
  1. Whether the opposing party suffers prejudice as a result of the destruction of evidence;

2. Whether the prejudice can be cured;
3. The practical importance of the evidence;
4. Whether the spoliator acted in good or bad faith; and
5. The potential for abuse if the evidence was not excluded.

17. As to the first element: The opposing party Defendant Brian David Hill would suffer prejudice because the Court specifically ordered “Any relevant written or recorded statements or confessions made by the Defendant”. The Court demanded this specific evidence from the Commonwealth Attorney regarding the law enforcement officer involved with the Defendant, and they did not comply, they did not comply at all. So this satisfies the first ground. Because the evidence is destroyed and irretrievable, certain specific things in the body-camera footage can never be used to prove Brian David Hill innocent of his charge of indecent exposure. Proof such as discolored lips of suspect: Brian David Hill which would have warranted that Brian David Hill was under some kind of substance, narcotic, or gas that had affected the mental and physical well being of Brian David Hill. The body-camera footage would have contradicted the Affidavit of Sergeant Robert Jones in his original CRIMINAL COMPLAINT with his claim by the affiant that Brian was psychologically and medically cleared. The footage may also have shown Brian's behavior acting a weird or certain abnormal way under certain conditions where a behavioral or psychological expert can disagree with Brian being psychologically and medically cleared which threatens and contradicts the successful prosecution and conviction of Brian David Hill had any expert in mental behavior saw the body-camera footage. They would disagree and would feel that something was wrong with Brian but that would destroy the prosecution's narrative against the Defendant. The body-camera footage would have shown the discolored lips and one such cause of

discolored lips would be that of “CARBON MONOXIDE POISONING”. It would not be strange that the Defendant who only at one time was caught naked at night on a walking trail may be the victim or subject of CARBON MONOXIDE GAS POISONING. Even Scott Albrecht did not know about this at the time because nobody knew until 2019. It was too late to use that evidence after the General District Court of December 21, 2018, however the Police body-camera footage would have shown the discolored lips and maybe it would have shown other weird abnormal behaviors of Defendant Brian which would correlate it with symptoms of CARBON MONOXIDE POISONING. The body-camera footage is non-subjective evidence. The mouth and face would have been visible. If the Commonwealth Attorney had known or suspected that Brian was under a narcotic, substance, or gas at the time of his indecent exposure, then this adds credibility to his claims of a man wearing a hoodie threatening Brian to get naked, as drugs could play a role if somebody could have drugged Brian up to make him non-coherent. Coherent means logical and consistent. When drugged up by anybody at night where crime can be more prevalent because of the limited law enforcement presence at night, anybody could have drugged Brian David Hill with a narcotic or substance or gas. That would explain greatly why Brian behaved oddly, never engaged in indecent exposure prior to the alleged charge, and then does so under weird circumstances. This is not a normal indecent exposure case given Brian's written statements, saying that he think he was drugged and told his family that he blackouts in 2018 prior to receiving the knowledge in 2019 that gas was leaking from the fireplace in his Apartment for months and months, who knows how long the gas had been leaking into Brian's Apartment. The body-camera footage would have further proven Brian's claims of being drugged or subject to CARBON MONOXIDE POISONING. Under a weird odorless substance like that, worse than a narcotic and can cause any irrational behaviors not normally exhibited. Can even cause memory loss. Even the Martinsville Fire Department could have been subpoenaed to testify at the General district Court and could have been Court Ordered to examine

Brian's Apartment located at 310 Forest Street, Apartment 2, Martinsville, Virginia in 2018 and they would have found overwhelming evidence of CARBON MONOXIDE GAS POISONING at the very residence Brian David Hill was living in prior to his indecent exposure incident. The body-camera footage would have led to an investigation by the Fire Department or mandated to drug test Brian Hill and test his blood, saliva, and urine for any signs of narcotics or substances. If they had found the evidence of CARBON MONOXIDE POISONING or any injected drugs in Brian's system, then the Defendant did not intentionally engage in any behavior which could have been considered as violating Virginia Code § 18.2-387, Indecent Exposure, in the City of Martinsville. The destruction of the evidence means that it cannot be cured, as the evidence which would have proven Defendant innocent of his charge off the bat, it is gone forever and at the fault of Martinsville Police Department. This explanation also justifies "The practical importance of the evidence". It was clearly covered up on purpose to prevent the Court from ever learning the truth about Brian's intentions regarding what had happened on the night of September 21, 2018 on the Dick and Willie walking trail. This is a FRAUD ON THE COURT and Glen Andrew Hall knew that he had deceived the Court by permitting the destruction of evidence which contradicts the Court Order he was supposed to follow. He did not comply with the Court. That is CONTEMPT OF COURT. The last factor is "The potential for abuse if the evidence was not excluded." There is a way this cannot be abused, because a copy can be made of any original video recording or audio recording. All lawyers nowadays have access to a computer, whether Desktop or Laptop. They can easily make a copy of a video recording which was recorded by law enforcement. The Commonwealth Attorney could have easily added stipulations to protect the privacy of Brian David Hill and yet allow the legal counsel to inspect the footage or even allow expert witnesses to review over the body-camera footage including the GDC Court Ordered psychological evaluation and make a determination how it may come to his defense. If carbon monoxide caused temporary

insanity then the Court can easily order this to be turned over to a Mental Hospital with the Carbon Monoxide evidence and then they would have released the Defendant once they have documented that the Carbon Monoxide is out of Brian's system and thus Brian cannot repeat the conduct because sanity would be restored after the Carbon Monoxide Poisoning had left his system and verify that his home had corrected the issue concerning the Carbon Monoxide. There is one concern that the body-camera footage is usually disclosed in the media and the defense counsel can easily ask that it not be kept confidential under strict confidentiality so that it cannot be given to any media as a stipulation to protect Brian David Hill's privacy in the case. The stipulations could have easily been asked of the Court and the Commonwealth Attorney had failed to do so. So this is not a matter of whether it could have been abused or not, they could have reasonably asked the Court for stipulations to protect this evidence from being abused, no trouble at all. The Commonwealth did not want this footage to ever come out in a Court of Law. This is known as a “cover up”.

18. Evidence is usually covered up for a nefarious purpose. Innocent men do not cover their tracks. The Police had covered up evidence. Defendant voluntarily gave them permission to look at his camera, Brian David Hill covered up no evidence at all even at the risk of forfeiting his right to remain silent under Miranda rights. However, the Commonwealth Attorney covered up plenty of evidence, even more than the body-camera footage. The fourth ground of “Whether the spoliator acted in good or bad faith” and it is obvious that Glen Andrew Hall had acted in bad faith. It is clear that this spoliated/destroyed evidence could have been used to help clear Brian Hill's name from this horrible charge. They never explained why the body-camera footage should have been destroyed, the Court had ordered that the evidence be turned over and this action violates that Court Order, it is a contemptible offense. It isn't just potential evidence that was destroyed that may have



fallen through the cracks of the discovery order, the very evidence was DESCRIBED in the DISCOVERY ORDER. The order described the body-camera footage and the evidence matches the description given by the Court Order. It is not a good idea for an officer of the Court to defy a Court order. In fact he defied two Court Orders in the Circuit Court after the case was appealed. So he defied three Court Orders by refusing to turn over that evidence to inspection by the defense counsel and then destroyed the body-camera footage. All elements are met.

19. The case is getting so old, it has been dragged out because the Commonwealth Attorney Glen Andrew Hall had put up such a valiant resistance against Brian David Hill every step of the way, and he is one of the worst attorneys Brian had ever been prosecuted by besides Assistant U.S. Attorney Anand Prakash Ramaswamy who also destroyed evidence in his Federal Case. This attorney does not want Brian to have any relief or remedy. Many attorneys including private attorneys are scared of Glen Andrew Hall because of how dirty he conducts his business. Brian David Hill had met with 3 or 4 private attorneys in 2019 for free consultation (as Brian could have had his family operate an online legal fund to help get him a better lawyer) and all of them seem reluctant to fight to prove Brian's innocence without even examining the entire case. Pretty much all of them said they rather Brian withdraw his appeal without even looking at all of the records, without determining the witnesses and evidence. Even Attorney McPheeters was afraid as well. They acted like they were afraid to take on this attorney and tried to find excuses not to fight against him, like there is something going on behind the scenes, some fear that they do not want to cross this horrible lawyer. The attorneys were just afraid to fight against this Commonwealth Attorney. This made things more difficult for Brian David Hill to seek any justice. Nobody wants to push for a contempt proceeding against Glen Andrew Hall despite Brian's repeated requests over and over

again in January and/or February 2019 for the body-camera footage. Brian kept asking for it over and over again, yet nothing ever panned out.

20. There was also a situation where the Martinsville Police were with Brian at Sovah Hospital in Martinsville, Virginia on September 21, 2018 while Brian had suffered multiple high resting blood pulse readings over the level of 100 which are normally a sign of a serious heart issue or health concern. Sinus Tachycardia. Brian had blood drawn and multiple vials of his blood. Those blood vials disappeared after Brian was arrested while Brian assumed that the lab-work was conducted and Brian told Scott Albrecht about the blood vials when he was interviewed about his side of the story, that Brian Hill felt he was drugged with a narcotic or substance. However, Scott Albrecht refused to investigate the laboratory tests. By the time in 2019 that Brian was out of Jail and attempted to get access to his medical records from that night, there was no laboratory results and the blood vials aka biological evidence was destroyed without a valid explanation. Another cover up of good evidence. This evidence was also EXCULPATORY because it was drawn out of Brian at the Hospital after he was found naked at the Dick and Willie walking trail at night, after Brian was handcuffed, he was taken by ambulance to the Hospital with the Police with him. Officer Robert Jones was with Brian the entire time he was in a Hospital bed, when the blood vials were drawn. He even admitted under Oath in Federal Court on September 12, 2019, that he also assumed that the laboratory tests were done and said that they would normally be done but he never got access to Brian's medical records. Little did he know that the laboratory work ordered as COVERED UP, deleted from the chart without explanation? He lied and claimed that Brian was psychologically and medically cleared. He didn't even read Brian's medical records as admitted in Federal Court Transcript under **Exhibit 4**. He was asked by a Federal licensed Attorney Renorda Pryor if Officer Robert Jones knew that

Brian was diabetic, he said “no”. He was asked Officer Robert Jones if he knew that Brian had Obsessive Compulsive Disorder (OCD) and the officer seemed clueless. The officer was either part of the cover up or he was misled and the vials were destroyed. Either way, Officer Robert Jones screwed up charging Brian quickly but yet the Commonwealth Attorney did not even attempt to find or demand retention of these blood vials. In fact he rather they be destroyed as it may make things complicated for the simple indecent exposure misdemeanor charge. He rather Brian just be found guilty and keep fighting Brian for the rest of his life if Brian kept resisting through the Legal System. That way Glen Andrew Hall can take part in compelling Brian David Hill to pay legal fees out of his judgment proof SSI disability money, to commit an unlawful act of demanding federally protected money which is extortion and racketeering through the legal system, his little racketeering operation where he can charge Brian tens of thousands of dollars in legal fees the longer he fights this, he can keep punishing Brian over and over again until he is pushed into suicide then they can take his SSI money like a good RICO-statute violating criminal cartel or criminal enterprise corrupt racketeering scheme or something. It seems like this is like a racketeering operation through the criminal justice system and he can make as much money as he wants while destroying any evidence favorable to the defendants he persecutes. He knows a majority cannot afford good lawyers and they are screwed. It isn't constitutional to financially put somebody in debt over simply fighting for their Constitutional rights, it impedes a poor person's right to fight for Constitutional rights under the Due Process Clause.

21. It is quite clear that with the destruction of both the body-camera footage and the biological evidence both at the allowance of the Corrupt Commonwealth Attorney Glen Andrew Hall, that he will never present a fair and just prosecution. He had destroyed any and all evidence favorable to the ACTUAL INNOCENCE of Brian David Hill to the

charge of Virginia Code § 18.2-387, Indecent Exposure, in the City of Martinsville. Mr. Hall did this knowingly and intelligently.

22. It is quite clear that the General District Court or the Circuit Court should move to sanction Glen Andrew Hall, Esquire for contempt of court, as well as Scott Albrecht for refusing to enforce that Court Order and Scott Albrecht seemed like he didn't fight for retrieving the body-camera footage in writing and then inform the Court of such non-compliance with the Court Order. Scott Albrecht had colluded with the Commonwealth Attorney in not enforcing the Court Order and allowed the evidence to be destroyed on purpose. Both of them are guilty of allowing evidence to be destroyed that would benefit the Defendant in proving his innocence. Anything Brian writes on a pro se basis and mailed to the Police Department and/or the Commonwealth Attorney is usually forwarded to his court appointed attorney. Scott Albrecht knew that the Court Order was being violated, over and over again with Brian's multiple letters. Scott Albrecht knew that there was the existence of the body-camera footage and purposefully let the Commonwealth of Virginia destroy this footage knowing that it may have repercussions on both parties but the discolored lips is favorable to Brian David Hill. It would have proven that the Hospital had neglected to find out why Brian David Hill was not medically cleared and something was wrong with his mind and body at the time. Defendant and his entire family believes with enough cumulative evidence that it was prolonged exposure to CARBON MONOXIDE GAS POISONING in Brian's apartment in 2018. Pete Compton is a witness to that, which is at least one expert witness and one reasonable doubt necessary to have found Brian not guilty of his charge. Gas or drugs can do funny things to people's brains. As Brian is NOT a drug user, never has been, anybody could have given Brian a drug while out there at night on the Dick and Willie trail, even the road areas he took to walk there at night without letting his mother know, anybody

could have offered a drug or drugged him and made him have the very issues which led up to his arrest but not make him culpable to the charge as he was not responsible for what had happened. Carbon monoxide poisoning is a very serious mind twisting odorless gas and can make somebody do erratic or crazy things very easily. CO gas can make somebody hallucinate and have a psychosis.

### **EXHIBITS LIST**

<b>EXHIBIT #</b>	<b>PAGE #</b>	<b>DESCRIPTION</b>
EXHIBIT 1	1-3	DISABLED PARKING PLACARDS OR LICENSE PLATES APPLICATION
EXHIBIT 2	4-27	Copy of pro se motion for discovery with proof that Police Chief G. E. Cassady was mailed letters requesting police body-camera footage
EXHIBIT 3	28-29	One page excerpt of Document #163, Filed 12/12/18, Page 4 of 6, one page of Federal Court Affidavit/Declaration or written filing, Document #163. Case #1:13-cr-435-1.
EXHIBIT 4	30-111	FEDERAL COURT TRANSCRIPT of Supervised Release Violating hearing regarding the criminal charge of September 21, 2018, in General District Court. Officer Robert Jones of Martinsville Police Department had testified and thus is relevant to this MOTION.
EXHIBIT 5	112-114	COURT ORDER – GENERAL DISTRICT COURT

EXHIBIT 6	115-118	COURT ORDER – CIRCUIT COURT
EXHIBIT 7	119-122	COURT ORDER – CIRCUIT COURT
EXHIBIT 8	123-126	Article: Body Cameras Proving Useful for Martinsville Police; Wednesday, May 1st 2013; WSET/ABC13 NEWS
EXHIBIT 9	127-130	Interview and Interrogation of people with autism (including Asperger syndrome) By Dennis Debbaudt - EXPERT WITNESS
EXHIBIT 10	131-137	“DIVISION FOR TREATMENT AND EDUCATION OF AUTISTIC AND RELATED COMMUNICATION HANDICAPPED CHILDREN, Department of Psychiatry, University of North Carolina, DIAGNOSTIC EVALUATION”
EXHIBIT 11	138-139	Letter from “Dr. Shyam E. Balakrishnan, MD”.
EXHIBIT 12	140-146	PSYCHIATRIC EVALUATION from Dr. Conrad Daum in October, 2018
EXHIBIT 13	147-152	Information about Dr. Conrad Daum being a certified Forensic Psychiatrist
EXHIBIT 14	153-164	Case 1:13-cr-00435-TDS, Document #153, Filed 10/17/18, Pages 1 through 11; DECLARATION/AFFIDAVIT OF BRIAN DAVID HILL regarding what happened on September 21, 2018

It is clear that Glen Andrew Hall did not comply and former Attorney Scott Albrecht did not attempt to enforce the (#1) General District Court Order on November 28, 2018; (#2) Circuit Court Order on February 6, 2019, and (#3) Circuit Court Order on July 15, 2019. Glen Andrew Hall and Martinsville Police Department (client of the Commonwealth of Virginia who represents the Local Law Enforcement) did not comply with the **EXHIBIT 5 (EXHIBIT PAGES 112-114), EXHIBIT 6 (EXHIBIT PAGES 115-118), AND EXHIBIT 7 (EXHIBIT PAGES 119-122)** Court Orders dated November 28, 2018, February 6, 2019, and July 15, 2019. Defendant requests that this Court hold Glen Andrew Hall, Esquire in CONTEMPT and maybe even hold CONTEMPT PROCEEDINGS against him for spoliation of evidence requested from the Orders for Discovery Materials and allow further evidence to be shown and developed regarding such spoliation. Defendant is ready for showing the evidence of written correspondence and certified mail ever mailed, it is long overdue. Defendant is ready to demonstrate that Glen Andrew Hall should be held in contempt of court and recommendations to the Virginia State Bar for him to be disbarred from practice of law. Scott Albrecht was Brian David Hill's court appointed legal counsel all of the way until the body-camera footage was destroyed. So he was completely responsible for not enforcing those Court Orders ordered by the Court, and thus he is also presumed to be an accomplice to this spoliation of evidence, not Lauren McGarry and not Matthew Clark but Scott Albrecht who misled Brian David Hill and betrayed him and that was why Brian lost in General District Court. So both should be possibly sanctioned by this Court for wasting all of this time, wasting a lot of resources, causing all of these problems which cannot be undone. Degrading Brian's mental health, and deteriorating his mental and physical health.

Brian David Hill is innocent and should be adjudged Innocent from the STATEMENT OF FACTS proving that Brian David Hill had Autism Spectrum Disorder, Psychosis, and Obsessive Compulsive disorder at the time or around the time of his arrest on

September 21, 2018, and is relevant and/or material to the criminal charge against the Defendant.

Brian David Hill is innocent and should be adjudged Innocent from the STATEMENT OF FACTS showing that there was spoliation of evidence in violation of three Court Orders. One from the General District Court and the other two by the Circuit Court. Spoliation of evidence is proof that the case in chief by the Commonwealth of Virginia is a weak or unfounded one, that to his consciousness he rather win his case by any means necessary rather than play by the rules. He rather win than play fair. He should lose his case in chief for the destruction of evidence. Defendant has been up front and even if sometimes ranting or giving his opinion to the Commonwealth Attorney, he was upfront and honest about what had happened on September 21, 2018. He did the best he could to try to get the truth to be in the light in his criminal case. The Commonwealth Attorney Glen Andrew Hall made grave errors in the General District Court and Circuit Court. Spoliation of evidence including blood vials which is biological human evidence, it should be favorable to Brian David Hill the Defendant in this case, as further FACT of his ACTUAL INNOCENCE. Innocent men and women don't destroy evidence. That is a fact. Glen Andrew Hall and Martinsville Police Department both ignored Brian's letters asking Police Chief G. E. Cassady for the body-camera footage. It doesn't matter that they can ignore his pro se letters because Brian had an appointed lawyer. It doesn't matter because the COURT ORDERED the evidence and things like the body-camera footage or videos to be disclosed to the defense counsel. So they have violated the Court Orders, they cannot make the excuse that ignoring Brian Hill's letters to the Police Chief asking for the body-camera footage was rightful due to him having a lawyer when the Courts have ordered such evidence be retained or turned over to the defense lawyer or defense team. Therefore, Glen Andrew Hall has knowingly destroyed evidence and refused to turn over the body-camera footage as requested in Brian's letters to the Police Chief and as asked by Court Orders. Again, See **Exhibits 2 and 3**.



Therefore, the Defendant prays that this Honorable Court order the following:

1. That the Circuit Court declare or make a factual finding (after an evidentiary hearing) that Glen Andrew Hall, Esquire were in Contempt of Court for spoliation of evidence and refusal to turn over evidence to Defendant or his Legal Counsel as to the Court Orders dated November 28, 2018, February 6, 2019, and July 15, 2019;
2. That the Circuit Court consider a sanction or sanctions against Glen Andrew Hall by entering Judgment of Acquittal and acquitting Brian David Hill of his original charge of Indecent Exposure under Virginia Code § 18.2-387 for the prosecution's violation of the multiple Court Orders destroying evidence which would have led to the automatic acquittal of Brian David Hill whether in Martinsville's General District Court or in Trial De Novo in the Circuit Court for the City of Martinsville;
3. That the Circuit Court consider vacatur of the wrongful conviction dated November 18, 2019, and consider dismissing this case against Brian David Hill with prejudice as the damage of spoliation can never be undone and thus these permanent evidence destruction issues only warrant case dismissal with prejudice for good with any and all charge(s) dropped;
4. That the Circuit Court consider the newly admissible evidence of Brian David Hill's diagnoses of Autism Spectrum Disorder, Psychosis, and Obsessive Compulsive Disorder in regards to the INTENT element of the charge against Defendant to further consider that Brian David Hill is innocent of his charge which was filed on September 21, 2018;
5. That the Circuit Court consider filing a declaration or judgment of the Innocence of Brian David Hill or file an order of Judgment of Acquittal of Brian David Hill, whichever is proper;

6. That the Circuit Court waive and discharge any and all pending legal fees ever taxed or ordered against Defendant if the Circuit Court had determined that Defendant is innocent and thus should not be held to pay any fees or fines or any protected SSI disability money since Defendant is innocent;
7. That the Circuit Court waive and discharge any and all pending legal fees ever owed by the Defendant pursuant to all legal matters and cases that had begun from the original charge and prosecution on September 21, 2018, if the Circuit Court had determined that Defendant is innocent and thus should not be held to pay any fees or fines or any protected SSI disability money since Defendant is innocent;
8. That the Circuit Court consider providing any other relief or remedy that is just and proper, in the proper administration of justice and integrity for the Court.

Respectfully submitted with the Court, This  
the 11th day of February, 2022.

  
*Signed*

Brian D. Hill

Brian D. Hill

Defendant

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

(276) 790-3505



JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com



**CERTIFICATE OF SERVICE, CERTIFICATE OF FILING**

Page **43** of **45**

I hereby certify that a true and accurate copy of the foregoing Motion was faxed or emailed/transmitted by my Assistant Roberta Hill at [rbhill67@comcast.net](mailto:rbhill67@comcast.net) (due to Probation Conditions of not being allowed to use the Internet) or delivered this 11th day of February, 2021, to the following parties:

1. Commonwealth of Virginia
2. City of Martinsville

by having representative Roberta Hill filing his pleading on his behalf with the Court, through email address [rbhill67@comcast.net](mailto:rbhill67@comcast.net), transmit/faxed a copy of this pleading to the following attorneys who represent the above parties to the case:

Glen Andrew Hall, Esq. Commonwealth Attorney's Office for the City of Martinsville 55 West Church Street P.O. Box 1311 Martinsville, Virginia 24114/24112 Attorney for the Commonwealth Phone: (276) 403-5470 Fax: (276) 403-5478 Email: <a href="mailto:ahall@ci.martinsville.va.us">ahall@ci.martinsville.va.us</a>	Hon. Ashby R. Pritchett, Clerk of the Court Circuit Court for the City of Martinsville Phone: 276-403-5106 Fax: 276-403-5232 55 West Church Street, Room 205 P.O. Box 1206 Martinsville, VA 24114 Email: <a href="mailto:apritchett@vacourts.gov">apritchett@vacourts.gov</a>
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The reason why Brian David Hill must use such a representative to serve such pleading with the Clerk on his behalf is because Brian is currently still under the conditions of Supervised Release for the U.S. District Court barring internet usage without permission. Brian's Probation Officer is aware of Roberta Hill using her email for conducting court business concerning Brian Hill or court business with the Probation

Office in regards to Brian David Hill. Therefore Roberta Hill is filing the pleading on Brian's behalf for official court business. Brian has authorized her to file the pleading. All exhibits or any exhibits with anything printed from any internet based service was printed and researched by Roberta Hill.

That should satisfy the Certificate of Service regarding letters/pleadings during the ongoing Covid-19 pandemic. If the Court wishes to contact the filer over any issues or concerns, please feel free to contact the filer Brian David Hill directly by telephone or by mailing. They can also contact c / o Roberta Hill at [rbhill67@comcast.net](mailto:rbhill67@comcast.net) and request that she forward the message and any documents or attachments to Brian David Hill to view offline for his review.

  
Signed

Brian D. Hill

Brian D. Hill

Defendant

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

(276) 790-3505

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**U.S.W.G.O.**



# **EXHIBIT 1**

**for**

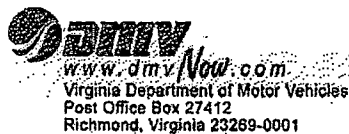
**EVIDENCE FOR  
MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL  
BASED UPON NEW EVIDENCE WHICH COULD NOT BE  
ADMISSIBLE AT THE TIME OF CONVICTION; NEW  
EVIDENCE OF SPOILIATION OF EVIDENCE COMMITTED BY  
COMMONWEALTH OF VIRGINIA; REQUEST FOR  
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,  
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING  
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA  
FOOTAGE AND IT IS LIKELY DESTROYED AND  
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON  
DAY OF CHARGE, ALSO LIKELY DESTROYED**

**Commonwealth of Virginia, City of Martinsville v. Brian David Hill  
CASE NO: CR19000009-00**

**Friday, February 11, 2022**



**JUSTICEFORUSWGO.WORDPRESS.COM**



## DISABLED PARKING PLACARDS OR LICENSE PLATES APPLICATION

MED 10 (02/17/2011)

**Purpose:** Use this form to apply for a disabled parking placard or disabled parking license plates.

**Instructions:** Submit to any Customer Service Center, DMV Select or mail to DMV, Data Integrity, P.O. Box 85815, Richmond, VA 23285-5815.

- For a parking placard, submit this form with a \$5.00 check or money order payable to DMV. Placard will be mailed to you in approximately 15 days. Only one placard may be issued to a customer.
- For disabled parking license plates, submit this form, a License Plate Application (VSA 10) and applicable fees.

DISABLED PARKING PLACARD ONLY (Disabled parking placard hangs from the rearview mirror.)			
<b>CHECK ONE</b>			
<b>PERMANENT (5 years)</b> <input checked="" type="checkbox"/> Original (medical professional certification required) <input type="checkbox"/> Renewal (No medical professional certification required.)	<b>PERMANENT REPLACEMENT (5 years)</b> <input type="checkbox"/> Lost <input type="checkbox"/> Destroyed <input type="checkbox"/> Reissue	<b>TEMPORARY (up to 6 months)</b> <input type="checkbox"/> Original <input type="checkbox"/> Stolen <input type="checkbox"/> Mutilated	<b>TEMPORARY REPLACEMENT</b> <input type="checkbox"/> Lost <input type="checkbox"/> Stolen <input type="checkbox"/> Destroyed <input type="checkbox"/> Mutilated <input type="checkbox"/> Reissue

DISABLED PARKING (HP) LICENSE PLATES ONLY			
<b>ORIGINAL PLATES</b> <input type="checkbox"/> Complete and submit form VSA 10	<b>DUPLICATE</b> <input type="checkbox"/> Lost <input type="checkbox"/> Destroyed	<b>REISSUE</b> <input type="checkbox"/> Unreadable (License plate letters or numbers unclear) <input type="checkbox"/> Never received license plates	<input type="checkbox"/> Check this box if this vehicle is specifically equipped and used for transporting groups of physically disabled persons.

VEHICLE IDENTIFICATION NUMBER (VIN)	TITLE NUMBER
-------------------------------------	--------------

☐ I am the vehicle owner and the parent/legal guardian of a disabled dependent(s). List the name of each disabled person below.

APPLICANT INFORMATION					
FULL LEGAL NAME (last) <b>HILL</b> (first) <b>BRIAN</b> (middle) <b>DAVID</b> (suffix)			DMV ASSIGNED NUMBER OR SOCIAL SECURITY NUMBER		
CURRENT RESIDENCE ADDRESS <b>310 Forest St., Apt. 2</b>			CITY <b>Martinsville</b>	STATE <b>VA</b>	ZIP CODE <b>24112</b>
CITY OR COUNTY OF RESIDENCE <b>Martinsville</b>			DAYTIME TELEPHONE NUMBER OR CELL PHONE NUMBER <b>276-790-3505</b>		
MAILING ADDRESS (if different from above)			CITY	STATE	ZIP CODE
BIRTH DATE (mm/dd/yyyy)	GENDER <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	HAIR COLOR	EYE COLOR	HEIGHT FT IN	WEIGHT LBS

APPLICANT CERTIFICATION	
<p>I understand that misuse, counterfeiting, or alteration of disabled placards may result in fines up to \$1000. and up to 6 months in jail and/or revocation of disabled parking privileges. I certify that I have a (check one): <input type="checkbox"/> Temporary <input checked="" type="checkbox"/> Permanent disability that limits or impairs my ability to walk or creates a safety concern while walking.</p> <p>I also understand that the disabled parking placard or plates issued to me cannot be loaned to anyone, including family members or friends, to benefit a person other than myself.</p> <p>I further certify and affirm that all information presented in this form is true and correct, that any documents I have presented to DMV are genuine, and that the information included in all supporting documentation is true and accurate. I make this certification and affirmation under penalty of perjury and I understand that knowingly making a false statement or representation on this form is a criminal violation.</p>	
APPLICANT SIGNATURE <b>Brian D. Hill</b> <i>Signed</i>	DATE (mm/dd/yyyy) <b>08/18/2016</b>



**LICENSED PHYSICIAN/PHYSICIAN ASSISTANT/NURSE PRACTITIONER MEDICAL CERTIFICATION**

(This section does not have to be completed to renew permanent placards.)

☒ Permanently limited or impaired. A permanent disability as it relates to disabled parking privileges shall mean: a condition that limits or impairs movement from one place to another or the ability to walk as defined in Virginia Code §46.2-1240, and that has reached the maximum level of improvement and is not expected to change even with additional treatment.

☐ Temporarily limited or impaired beginning in the month of \_\_\_\_\_ and ending in the month of \_\_\_\_\_ (not to exceed 6 months).

Reason this patient's ability to walk is limited or impaired or creates a safety condition while walking. (check below)

☐ Cannot walk 200 feet without stopping to rest.☐ Uses portable oxygen.☐ Cannot walk without the use of or assistance from any of the following: another person, brace, cane, crutch, prosthetic device, wheelchair, or other assistive device.☐ Has a cardiac condition to the extent that functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association.☐ Is restricted by lung disease to such an extent that forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than 60 millimeters of mercury on room air at rest.☐ Is severely limited in ability to walk due to an arthritic, neurological, or orthopedic condition.☒ Has been diagnosed with a mental or developmental amnesia or delay that impairs judgment including, but not limited to, an autism spectrum disorder.☐ Has been diagnosed with Alzheimer's disease or another form of dementia.☐ Is legally blind or deaf.☐ Other condition that limits or impairs the ability to walk. Specific condition description must be specified below.

I certify and affirm that the described applicant is my patient, whose ability to walk, based on my examination, is limited or impaired or creates a safety concern while walking as described above.

I further certify and affirm that to the best of my knowledge and belief, all information I have presented in this form is true and correct, that any documents I have presented to DMV are genuine, and that the information included in all supporting documentation is true and accurate. I make this certification and affirmation under penalty of perjury and I understand that knowingly making a false statement or representation on this form is a criminal violation.

MEDICAL PROFESSIONAL NAME

SHYAM BALAKRISHNAN

OFFICE TELEPHONE NUMBER

(276) 870 3300

OFFICE FAX NUMBER

(276) 634-0362

LICENSE TYPE

MD

LICENSE NUMBER (required)

[REDACTED]

STATE ISSUING LICENSE (required)

VA

LICENSE EXPIRATION DATE (mm/dd/yyyy) (required)

[REDACTED]

MEDICAL PROFESSIONAL SIGNATURE

[REDACTED]

DATE (mm/dd/yyyy)

8/31/16

**LICENSED CHIROPRACTOR OR PODIATRIST MEDICAL CERTIFICATION**

(This section does not have to be completed to renew permanent placards.)

☐ Permanently limited or impaired. A permanent disability as it relates to disabled parking privileges shall mean: a condition that limits or impairs movement from one place to another or the ability to walk as defined in Virginia Code §46.2-1240, and that has reached the maximum level of improvement and is not expected to change even with additional treatment.

☐ Temporarily limited or impaired beginning in the month of \_\_\_\_\_ and ending in the month of \_\_\_\_\_ (not to exceed 6 months).

Reason this patient's ability to walk is limited or impaired or creates a safety condition while walking. (Checked below)

☐ Cannot walk 200 feet without stopping to rest.☐ Cannot walk without the use of or assistance from any of the following: another person, brace, cane, crutch, prosthetic device, wheelchair, or other assistive device.☐ Is severely limited in ability to walk due to an arthritic, neurological or orthopedic condition.☐ Other condition that limits or impairs the ability to walk. Specific condition description must be specified below.

I certify and affirm that the described applicant is my patient, whose ability to walk, based on my examination, is limited or impaired or creates a safety concern while walking as described above.

I further certify and affirm that to the best of my knowledge and belief, all information I have presented in this form is true and correct, that any documents I have presented to DMV are genuine, and that the information included in all supporting documentation is true and accurate. I make this certification and affirmation under penalty of perjury and I understand that knowingly making a false statement or representation on this form is a criminal violation.

MEDICAL PROFESSIONAL NAME

OFFICE TELEPHONE NUMBER

( )

OFFICE FAX NUMBER

( )

LICENSE TYPE

LICENSE NUMBER (required)

STATE ISSUING LICENSE (required)

LICENSE EXPIRATION DATE (mm/dd/yyyy) (required)

MEDICAL PROFESSIONAL SIGNATURE

DATE (mm/dd/yyyy)

**DMV USE ONLY**

PLATE/PLACARD NUMBER

PLACARD EXPIRATION DATE (mm/dd/yyyy)

EMPLOYEE STAMP

CUSTOMER CREDIT CARD NUMBER

CREDIT CARD EXPIRATION DATE (mm/yyyy) FEE COLLECTED

# **EXHIBIT 2**

**for**

**EVIDENCE FOR  
MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL  
BASED UPON NEW EVIDENCE WHICH COULD NOT BE  
ADMISSIBLE AT THE TIME OF CONVICTION; NEW  
EVIDENCE OF SPOLIATION OF EVIDENCE COMMITTED BY  
COMMONWEALTH OF VIRGINIA; REQUEST FOR  
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,  
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING  
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA  
FOOTAGE AND IT IS LIKELY DESTROYED AND  
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON  
DAY OF CHARGE, ALSO LIKELY DESTROYED**

**Commonwealth of Virginia, City of Martinsville v. Brian David Hill  
CASE NO: CR19000009-00**

**Friday, February 11, 2022**



**JUSTICEFORUSWGO.WORDPRESS.COM**



VIRGINIA:  
IN THE CIRCUIT COURT OF THE CITY OF MARTINSVILLE

---

COMMONWEALTH OF VIRGINIA,

Plaintiff,

v.

BRIAN DAVID HILL

Defendant,

---

Criminal Action No. CR19000009-00

Motion for Discovery

Motion for Discovery

Pursuant to Rule 4:1 of the Virginia Rules of the Supreme Court and U.S. Supreme Court decision of Brady v. Maryland, 373 U.S. 83 S. Ct. 1194; 10 L. Ed. 2d 215; 1963, criminal Defendant Brian David Hill (“Brian”, “Hill”) would like to request that the Commonwealth Attorney (“CA”) be compelled to provide discovery materials to Defense counsel which are both material and relevant to the case. That is for the jury trial for the charge of “indecent exposure” as defined in Virginia Code § 18.2-387. The jury trial is scheduled for August 30, 2019, unless the court considers changing the date for any reason including but not limited to expert witnesses and a mental evaluation to determine sanity at the time of the offense.

Hill and/or his family have attempted to contact Martinsville Police Department (“CC: Commonwealth Attorney”) through written multiple correspondences asking for the body camera footage of Officer Sgt. R. D. Jones, by Hill writing the Martinsville Chief of Police G. E. Cassady asking for the body-camera footage to be turned over to

Brian's defense counsel (*Note: Attorney Scott Albrecht, at the time*) as pertinent to Virginia discovery requirements.

Evidence of attempting to request the police-body-camera footage of September 21, 2018, are made in the following Exhibits:

Exhibit 1)        2-Page U.S.W.G.O. Mailing Log from Brian David Hill of important legal mailings which was mailed while Hill was being mentally evaluated at the Federal Correctional Institution 1 in Butner, North Carolina. The #4 entry was the mailing to the Chief of Police asking for the body-camera footage. Mailing was delivered to the prison Mail Room on January 30, 2019, treated as legal mail and was not fettered with in accordance with Federal Bureau of Prisons policies. **Total of 2-pages.**

Exhibit 2)        Photocopy of 1-Page letter from Brian David Hill to the Martinsville Police Chief dated January 19, 2019 while Hill was being mentally evaluated at the Federal Correctional Institution 1 in Butner, North Carolina. Also the second page of this Exhibit is a 1-page photocopy of the mailing envelope with mailing label before it was delivered to the prison Mail Room, treated as legal mail and was not fettered with in accordance with Federal Bureau of Prisons policies. **Total of 2-pages.**

Exhibit 3)        1-Page of U.S.W.G.O. Mailing Log from Brian David Hill of important legal mailings which was mailed while Hill was being mentally evaluated at the Federal Correctional Institution 1 in Butner, North Carolina. The #8 entry was the mailing to the Chief of Police asking for the body-camera footage. Mailing was delivered to the prison Mail Room on January 22, 2019 with

the original letter before the photocopy of that same discovery letter was mailed at a later time (See Exhibit 1). The prison treated the mailing as legal mail and was not fettered with in accordance with Federal Bureau of Prisons policies. **Total of 1-page.**

Exhibit 4) 3-Page letter to the Martinsville Chief of Police, was typed up and mailed to them by Brian David Hill's grandparents. Noted: January 19, 2019 (Typed letter March 13, 2019), "Dear Chief of Police of Martinsville Police Dept: G. Edward Cassady", "CC: Commonwealth Attorney, Case no C18-3138,". Note: The Defendant will be looking for the return receipt to see if it can be located in the pile of papers in the multiple boxes full of legal papers, so that the court will have proof of receipt if necessary. Total of 3-pages.

Exhibit 5) A 2-page news article titled "Body Cameras Proving Useful for Martinsville Police | WSET". It proves that since 2013, Martinsville Police Department records body-camera footage of incidents. That may include recording of Brian David Hill on September 21, 2018, and any statements that he had made in regards to a "man wearing a hoodie" and may be useful in proving that Brian David Hill was not acting right at the time which would help prove that he was under carbon monoxide poisoning. **Total of 2-pages.**

**Total evidence of 10 pages of five (5) Exhibits, 5 additional pages for the Exhibit page markers. 15 pages attached to this letter.**

#### ANALYSIS:

From the Virginia Supreme Court rules document:

*"The parties have a duty to seasonably supplement and amend discovery responses*

*pursuant to Rule 4:1(e) of the Rules of Supreme Court of Virginia. Seasonably means as soon as practical. No provision of this Order supersedes the Rules of Supreme Court of Virginia governing discovery. Any discovery motion filed shall contain a certification that counsel has made a good faith effort to resolve the matters set forth in the motion with opposing counsel.*"

Since Defendant has sent two letters with "CC: Commonwealth Attorney, Case no. C18-3138," and family sent one typed letter asking for the police body-camera footage for Hill's case, it is clear that Hill had made a good faith effort to explain to the prosecution and the Police Department that the body-camera footage of what had happened on September 21, 2018, was needed for discovery purposes for the case. The old case number for the General District Court case was referenced because Hill did not know the Circuit Court case number at the time he was sending those letters, but that case number is the very same case number of what was appealed. No responses were ever found or noted. As far as Hill is concerned, there are no responses to his discovery requests. Hill had mailed a copy of the letter (Exhibit 2) to Scott Albrecht while he was still Hill's counsel of record at the time. Attorney Scott Albrecht never informed Hill as to whether or not the body-camera footage was turned over to defense counsel. Therefore no responses are noted and no responses exist in regards to Hill's two attempts to ask for the body-camera footage and Hill's families one attempt in a typed letter asking for the body-camera footage. Three written attempts have been made asking for the body-camera footage this year, in a request to Martinsville Police Department and "CC: Commonwealth Attorney".

It is clear that Brian David Hill as Defendant is entitled to the police body-camera footage pursuant to Rule 4:1 of the Supreme Court Rules for Virginia Courts as well as Brady v. Maryland case law from the U.S. Supreme Court (law of the land) which also applies to state courts, and any other rule or statute for the discovery process.

Also Hill would like to request from the Commonwealth Attorney and from Martinsville Police Department, that Hill's defense counsel get access to any blood-work or blood samples taken from Hill while he was at Sovah Hospital on September 21, 2018, before he was arrested. This includes any laboratory results, blood vials taken at the time of Hill's arrest, blood samples taken at the time of Hill's arrest, etc etc. Blood was clearly taken from Hill while he was at the Hospital, but since he was arrested, the Hospital likely would have given the blood drawn to the Police for conducting their own laboratory tests including but not limited to possible drugs.

Last page of Exhibit 10 in the evidence Exhibits which were attached to Brian's filed pro se Motion (Seq. # 22, filed 07/19/2019, evidence attached to this filing was filed on 07/22/2019 after being given to Clerk's office) for Defense of Mental Insanity "INSANITY DEF-FILED BY DEF", shows that laboratory results were ordered but later deleted from the chart and then Hill was released to Martinsville City Jail as stated in the medical records. Because Hill was escorted there with law enforcement, the Hospital likely had given the blood vials to the Martinsville Police Department to conduct their own laboratory work. That would mean a possibility that the Police Department has the blood samples, and the blood vials are likely in evidence storage for the indecent exposure investigation. Those are also subject to discovery for defense counsel. The blood vials are needed to conduct laboratory tests to find evidence of Carbon Monoxide poisoning in the blood with a lab test of "carboxyhemoglobin" which would prove that Carbon Monoxide was in the blood of Brian David Hill during the time of the alleged offense on September 21, 2018. Hill had asked Attorney Scott Abrecht, after he had turned himself in (Seq. #15, 05/30/2019, "HILL TURNED HIMSELF IN") to find the laboratory results but Hill later learned from his family that the Commonwealth Attorney didn't have the laboratory results, but the Commonwealth

Attorney never said anything to Scott Albrecht about the blood vials and blood-work that was drawn while Hill was at the hospital. So the blood vials may still exist as evidence and may be retained by Martinsville Police Department due to Sovah Hospital's policy in regards to a patient that is escorted by law enforcement or was with law enforcement.

Therefore for the following reasons, Hill respectfully requests with this honorable Court that the Court grant this motion for Discovery and compel the Commonwealth Attorney and Martinsville Police Department (who the Commonwealth represents) to turn over the evidence of the body-camera footage (*as noted above*) to Defense counsel, and the blood-work and/or blood-vials of Brian David Hill (*at the time he was arrested*) to Defense counsel. That the Court order all discovery evidence that the Commonwealth Attorney and Martinsville Police Department has withheld be turned over to Defense counsel As Soon As Possible.

WHEREFORE, the Defendant, Brian David Hill, prays that this Court enter an Order compelling discovery materials be turned over to Defense Counsel in regards to the issues stated herein.

Hill respectfully files this Motion with this honorable Court, this the 26<sup>th</sup> day of July, 2019.

Signed, Brian D. Hill  
Signed  
 Brian D. Hill (Pro Se)  
 Phone #: 276-790-3505  
 310 Forest Street, Apartment 1  
 Martinsville, Virginia 24112

**U.S.W.G.O.**

Amazon: The Frame Up of Journalist Brian D. Hill  
Stanley's 2255 blog: JusticeForUSWGO.wordpress.com

**Qanon**

Brian D. Hill asks President Donald John Trump and QANON for help.

This pleading has been filed by hand delivery to the office of the Hon. Ashby Pritchett, Clerk's office at the Martinsville Circuit Court on July 26, 2019, at the address of 55 West Church Street, Martinsville, Virginia 24112.

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of July, 2019, a true copy of the foregoing Motion/Pleading was hand delivered to the office of the Commonwealth Attorney of Martinsville, at 55 West Church Street, Martinsville, Virginia 24112, counsel for Plaintiff of the Commonwealth of Virginia.

Signed, Brian D. Hill  
*Signed*

Brian D. Hill (Pro Se)  
Phone #: 276-790-3505  
310 Forest Street, Apartment 1  
Martinsville, Virginia 24112

**U.S.W.G.O.**

Amazon: The Frame Up of Journalist Brian D. Hill  
Stanley's 2255 blog: JusticeForUSWGO.wordpress.com

**Qanon**

Brian D. Hill asks President Donald John Trump and QANON for help.

# Exhibit 1

USWGO  
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Qanon **U.S.W.G.O.** Qanon

MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00  
“Motion for Discovery”

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1  
MIDDLE DISTRICT OF NORTH CAROLINA



# Mailing Log 2019 U.S.W.G.O. Brian David Hill #29947-057

Federal Correctional Institution # Butner, N.C.  
Old N.C. Hwy 75 - P.O. Box 1000 - 27509

- |     |      |  |
|-----|------|--|
| #1  | 4pg  | Jason McMurray, Western Dist. of Virginia, U.S. Probation Office, 210 Franklin RD SW, Roanoke, VA 24011 01/25/2019   |
| #2  | 4pg  | Alexandria Veletsis, Exe. Office of President, 1600 Pennsylvania Ave NW, The White House, Washington DC 20005, US 01/28/2019   |
| #3  | 10pg | Hon Ashby Pritchett, Clerk of the Court, P.O. Box 1206, Martinsville Circuit CRT, Martinsville, VA 24114-1206, US 01/28/2019   |
| #4  | 2pg  | Chief of Police, Police of Martinsville, Martinsville VA Police, 55 West Church St, Municipal Building, Martinsville, VA 24112 US 01/30/2019   |
| #5  | 5pg  | Alexandria Veletsis, Exe. Office of President, 1600 Pennsylvania Ave NW, The White House, Washington DC 20005, US 01/31/2019   |
| #6  | 1pg  | Law Office of Marcia G. Shein (Attorney), Marcia G. Shein, 2392 N Decatur RD, Decatur, GA 30033 US 02/01/2019  |
| #7  | 1pg  | Law Offices of Alan Ellis (Attorney), Alan Ellis, 271 Madison Ave 20th Floor, New York, NY 10016 US 02/04/2019   |
| #8  | 4pg  | ATTN: National Security Council, The White House, Exe. Office of President, 1600 Pennsylvania Ave, NW National Security Council, Washington, DC 20005, US 02/04/2019, Letter Feb. 3 2019 |
| #9  | 3pg  | Clerk Of The Court, 210 Franklin RD SW U.S. District Court, Roanoke, VA 24011, US 02/06/2019   |
| #10 | 1pg  | Office Of The Clerk, Middle Dist North Carolina, 324 W Market St U.S. District Court, Ste. 1, Greensboro, NC 27401-2513, US 02/07/2019   |
| #11 | 5pg  | ATTN: National Security Council. Same mailing address as #8 02/14/2019   |

- #1. 2-page letter to U.S. Probation Officer Jason McMurray, Copy of 1-page letter to Chief of Police dated January 19<sup>th</sup>, 2019 and Copy of 1-page letter to Chief of Police dated January 20<sup>th</sup>, 2019.
- #2. 4-page letter to Alexandria Veletsis dated January 26, 2019.
- #3. 3-page Testimony of Brian David Hill - Declaration and 3-page copy for Commonwealth Attorney; 2-page Notice of Additional Evidence and 2-page copy dated Jan 28, 2019, for Commonwealth Attorney. Testimony dated January 27, 2019.
- #4. copy of 1-page letter to Chief of Police dated January 20, 2019; and copy of 1-page letter to Chief of Police dated January 19, 2019.
- #5. Photocopy of same 4-page letter to Alexandria Veletsis (#2.) dated January 26, 2019; Copy of 1-page letter personally delivered to Bernie Maidoff delivered 5:35PM January 30, 2019.  
Certified mail tracking number: 7018 1130 0000 8936 6290
- #6. 1-page letter to Attorney Marcia G. Shein dated February 1, 2019.
- #7. 1-page letter to Attorney Alan Ellis dated February 1, 2019.
- #8. 4-page letter to the National Security Council dated February 3, 2019.  
Certified Mail tracking number: Feb. 3 7018 1130 0000 8936 6320
- #9. 1-page Motion to Request Transcripts, 1-page Certificate of Service, and 1-page letter to the Clerk of the Court dated February 6, 2019.
- #10. 1-page Docket Report request letter to Clerk of the Court dated February 7, 2019.
- #11. 4-page letter to National Security Council dated February 13, 2019. 1-page photocopy of Request to Staff dated 02/13/2019 06:49:30PM. Certified Mail tracking no. 7018 1130 0000 8936 6306

# Exhibit 2

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Qanon **U.S.W.G.O.** Qanon

MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00  
“Motion for Discovery”

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1  
MIDDLE DISTRICT OF NORTH CAROLINA

Dear Chief of Police of Martinsville Police Dept,  
 CC: Commonwealth Attorney, Case no. C18-3138,  
 55 West Church Street,  
 Municipal Building,  
 Martinsville, VA 24112,

Martinsville Circuit Court case  
 Discovery Request

Under Virginia Code in regards to discovery requirements for misdemeanor and felony trials in the Commonwealth of Virginia, Brady v. Maryland, Giglio v. U.S., Brian David Hill hereby requests a copy of Police Body-Camera footage presumably recorded by Sgt. R.D. Jones of Martinsville Police Department between the times of 3:00AM and 4:00AM, September ~~20~~ 21, 2018, where I gave statements about the man wearing the hoodie who had threatened to kill my mother Roberta Hill on the late night of September 20, 2018. Please turn over that Police body camera footage recording evidence copy to my Attorney Scott Albrecht of the Martinsville Public Defender Office, As Soon As Possible. Thank You for your service.

My Respects,

Brian D. Hill

Signed

Brian David Hill #29947-057

Federal Correctional Institution <sup>1</sup>

Old NC Hwy 75; P.O. Box 1000

Butner, N.C. 27509

JusticeForUSWGO.wordpress.com

U.S.W.G.O.

Dated January 19, 2019.

P.S. Brian Hill has Autism  
 Spectrum Disorder in DMV  
 handicap placard records.

Brian David Hill #29947-057

Name: Number:  
Federal Correctional Institution 1  
P.O. Box 1000  
Butner, NC 27509

*Chief of Police*

⇨ 29947-057 ⇨

Police Of Martinsville  
Martinsville VA Police  
55 W Church ST  
Municipal Building  
Martinsville, VA 24112  
United States



*LEGAL MAIL*  
3941

# Exhibit 3

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Qanon **U.S.W.G.O.** Qanon

MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00  
“Motion for Discovery”

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1  
MIDDLE DISTRICT OF NORTH CAROLINA

FCI<sup>2</sup>, Butner, N.C.  
 Brian David Hill #29947-057

# Mailing Log 2019 U.S.W.G.O.

Brian David Hill #29947-057

Federal Correctional Institution<sup>1</sup>, Butner, N.C.

- |     |     |   |
|-----|-----|---|
| #1  | 1pg | ↔29947-057 ↔ Federal Building, 324 W Market St Suite 1, Greensboro, NC 27401-2513, US 01/14/2019<br>Clerk of the Court - <del>01/26/2019</del> 01-14-2019 |
| #2  | 2pg | Hon Ashby Pritchett, Clerk of the Court PO Box 1206, Martinsville Circuit CRT, Martinsville, VA 1206, US 01/14/2019                                       |
| #3  | 2pg | Scott Albrecht Public Defender Office, 31 P.O. Drawer, Martinsville, VA 24114 US - 01/15/2019 01/18/2019  |
| #4  | 2pg | Clerk of the Court, U.S. District Court, Federal Building, 324 W Market St Suite 1, Greensboro, NC 27401-2513, US 01/18/2019                              |
| #5  | 2pg | Office of VA Attorney General, 202 N 9TH ST Virginia Attorney General, Richmond VA 23219 US 01/17/2019 - 7018-1130-0000-8936-6214 Certified               |
| #6  | 2pg | Administrative Office of US Courts Admin. Office of US Courts 1 Columbus CIR NE Probation Oversight Branch, Washington, DC 20002 US [Urgent] 01/17/2019   |
| #7  | 4pg | Clerk of the Court, 210 Franklin Rd SW, U.S. District Court, Roanoke VA 24014 US 01/18/2019   |
| #8  | 4pg | Chief of Police, Police of Martinsville, 55 W Church ST, Municipal Building, Martinsville, VA 24112 US 01/22/2019   |
| #9  | 4pg | U.S. Federal Courthouse, Hon. Judge Joe Webster, Magistrate 323 E Chapel Hill ST, Room 2, Durham, NC 27701-3351, US 01/24/2019                            |
| #10 | 4pg | Anand P Ramaswamy, AUSA United States Attorney, 101 S Edgeworth ST 4th Floor, Greensboro, NC 27401, US 01/24/2019   |
| #11 | 2pg | Attorney Scott Albrecht, Public Defender Office, 31 P.O. Drawer, Martinsville, VA 24114 US 01/24/2019   |

# Exhibit 4

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Qanon **U.S.W.G.O.** Qanon

MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00  
“Motion for Discovery”

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1  
MIDDLE DISTRICT OF NORTH CAROLINA



January 19, 2019 (Typed letter March 13, 2019)

Dear Chief of Police of Martinsville Police Dept: G. Edward Cassady

CC: Commonwealth Attorney, Case no C18-3138,

55 West Church Street Municipal Building Martinsville, VA 24112

Martinsville Circuit Court case Discovery Request

Under Virginia Code in regards to discovery requirements for misdemeanor and felony trials in the Commonwealth of Virginia, Brady v Maryland, Giglio v U.S., Brian Hill hereby requests a copy of Police-Camera footage presumably recorded by Sgt. R.D. Jones of Martinsville Police Department between the times of 3:00AM and 4:00AM, September 20, 2018, where I gave statements about the man wearing the hoodie, who had threatened to kill my mother Roberta Hill on the late night of September 20, 2018. Please turn over that Police body camera footage recording evidence copy to my Attorney Scott Albrecht of the Martinsville Public Defender Office, As Soon As Possible. Thank you for your service.

My Regards,

Brian D. Hill (Signed)

Dated January 19, 2019

P.S. Brian Hill has Autism Spectrum Disorder in DMV handicap placard records

Brian David Hill #29947-057 Federal Correctional Institution 1  
Old NC Hwy 75; P.O. Box 1000 Butner, NC 27509  
JusticeForUSWGO.wordpress.com USWGO

(Letter 1)

January 20, 2019 (Typed letter March 13, 2019)

Dear Chief of Police of Martinsville Police Department: G. Edward Cassady

CC: Commonwealth Attorney, Case no C18-3138,

55 West Church Street Municipal Building Martinsville, VA 24112

Martinsville Circuit Court case

There are more facts that must be known about me in this case which involve my mental/neurological disability/handicap of Autism Spectrum Disorder. The man that had threatened to kill my mother Roberta Hill if I didn't get naked and take pictures of myself is a form of verbal sexual abuse similar to a pedophile threatening a kid to get naked. I almost would have gotten sexually taken advantage of by an inmate named Crutchfield while I'm being evaluated mentally here meaning, I would have been raped if other inmates with life sentences had not taken up for me and protected me that are against rape. Research on Google that people with Autism are more likely to be verbally and physically sexually abused. The man wearing the hoodie wanted to take advantage of me. Please contact Renetta Craighead of Piedmont Community Services and REACH. They will explain to you about my condition. I never should have been arrested and should have been placed in witness protection. This case should be dismissed. I am Innocent. Thank you.

My respects,

Brian D. Hill (Signed)

Dated January 20, 2019

Caretaker: Roberta Hill:  
276-790-3505, 276-224-7373  
Kenneth Forinash, U.S.A.F:  
276-632-2599, 276-224-4527

Brian David Hill #29947-057  
Federal Correctional Institution  
Old NC Hwy 75; PO Box 1000  
Butner, NC 27509

**Copy of note mailed with letter dated January 19, 2019**

**Chief of Police and Commonwealth Attorney in Martinsville,  
VA,**

**Please acknowledge receipt of letters. Please write response.**

**Thank you**

**Brian D. Hill**

**God bless you!**

**Note: In a week of no response, I will assume that it was lost  
and mail another copy. Thanks.**

**Note from Brian's grandparents. Brian wrote this on  
January 19, 2019 and January, 20, 2019. He received no  
response, He sent it again and received no response a week  
later. After waiting almost two months, his grandparents  
will have to go to the post office and send this out return  
receipt requested. You also should know that Brian has  
been on disability since the age of 19 months; has brittle  
diabetes requiring insulin shots, has seizures, autism, anxiety  
and OCD. His actions that night were not normal. He was a  
victim who was arrested and sent to jail by the police who  
are supposed to protect its citizens and disabled. Brian's  
mom and grandparents were at the trial and noticed the  
prosecuting attorney making derogatory comments and  
making fun of this disabled citizen of Martinsville in front of  
his family and many other people in the court room.**

*Brian, We are also sending a copy  
of the 3 page disabled parking placard  
with your disability (autism) &  
your name & address with this letter to Chief of Police*

# Exhibit 5

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Qanon **U.S.W.G.O.** Qanon

MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00  
“Motion for Discovery”

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1  
MIDDLE DISTRICT OF NORTH CAROLINA



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Search Site



Tip: To quickly find your search term on this page, press **Ctrl+F** or **⌘-F** (Mac) and use the find bar.

ADVERTISEMENT



## Useful for Martinsville Po

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AA

Martinsville, VA -- The Martinsville Police Department says a small device has been making a big difference in fighting crime.

About a year ago, they got 38 cameras that the officers wear. They received the cameras because of a grant from the Virginia Municipal League. And they say they have really proven themselves.

Even on a very routine call, every word spoken and every movement taken will be captured clearly.

"Having this thing with us is like having someone with us whose memory is infallible," said Sgt. Chad Rhoads with the Martinsville Police Department.

Captain Eddie Cassady calls the cameras "like another officer" watching out for his force.

"They have been very useful for us," said Cassady.

For about a year, every Martinsville Police patrolling officer has worn one of these cameras. And for such a small device, it does a lot even capturing the sound of cars driving by in the distance.

"It helps clear up any disagreements. Anytime you talk to somebody, there are two different versions of what went on," said Rhodes.

And Rhoads explains, this camera shows the real version.

"It helps us investigate cases. It also helps us identify potential witnesses in other crime scenes too," said Cassady.

In the past few months, it did something they didn't even expect. When a man

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

DATE: 07/26/2019 @10:59:43

TESTE: Jennifer C. Coplin  
CLERK DEPUTY CLERK

# **EXHIBIT 3**

**for**

**EVIDENCE FOR  
MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL  
BASED UPON NEW EVIDENCE WHICH COULD NOT BE  
ADMISSIBLE AT THE TIME OF CONVICTION; NEW  
EVIDENCE OF SPOLIATION OF EVIDENCE COMMITTED BY  
COMMONWEALTH OF VIRGINIA; REQUEST FOR  
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,  
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING  
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA  
FOOTAGE AND IT IS LIKELY DESTROYED AND  
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON  
DAY OF CHARGE, ALSO LIKELY DESTROYED**

**Commonwealth of Virginia, City of Martinsville v. Brian David Hill  
CASE NO: CR19000009-00**

**Friday, February 11, 2022**



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Even though I fell down the slope, cuts all over my body, my head likely got hit, I told the police officer, he appeared to have activated his body camera, I was shaken up but I tried to explain the situation as best as I could, I told him I have Autism, I tried to tell him about the guy in the hoodie, I was taken in an ambulance to the hospital, my mother and grandparents showed up, told them as much as I could what had happened. At one point I think that man was Officer R. D. Jones of Martinsville Police. He said that if I am lying, that I can be charged with filing a false report. I looked at him straight in the eyes and told Officer Jones that I told him the truth, all of that went on at the hospital. I was advised that I would be placed under arrest. Nobody walked on the trail when I was seen, hand over my mouth, guy in the hoodie, only time I was seen was the part of the trail where Southern Finishing factory was, where vehicles go by, but hardly any traffic at night. I signaled that I was gagged, that was why my hand was over my mouth. I never masturbated, I told the police the truth.

When I was seen by a passing vehicle, I never masturbated, hand over my mouth and other hand with a flashlight.

(20) My attorney told me that unless I was aroused and masturbated, I wasn't doing anything indecent. He says that I am innocent, I mean not-guilty of indecent exposure.

# **EXHIBIT 4**

**for**

**EVIDENCE FOR  
MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL  
BASED UPON NEW EVIDENCE WHICH COULD NOT BE  
ADMISSIBLE AT THE TIME OF CONVICTION; NEW  
EVIDENCE OF SPOLIATION OF EVIDENCE COMMITTED BY  
COMMONWEALTH OF VIRGINIA; REQUEST FOR  
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,  
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING  
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA  
FOOTAGE AND IT IS LIKELY DESTROYED AND  
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON  
DAY OF CHARGE, ALSO LIKELY DESTROYED**

**Commonwealth of Virginia, City of Martinsville v. Brian David Hill  
CASE NO: CR19000009-00**

**Friday, February 11, 2022**



**JUSTICEFORUSWGO.WORDPRESS.COM**

UNITED STATES OF AMERICA	)	CASE NO. 1:13CR435-1
	)	
vs.	)	
	)	Winston-Salem, North Carolina
BRIAN DAVID HILL	)	September 12, 2019
		3:37 p.m.

APPEARANCES :

Court Reporter: BRIANA L. BELL, RPR  
Official Court Reporter  
P.O. Box 20991  
Winston-Salem, North Carolina 27120

Proceedings recorded by mechanical stenotype reporter.  
Transcript produced by computer-aided transcription.G1

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1 P R O C E E D I N G S

2 (The Defendant was present.)

3 **THE COURT:** All right. Mr. Ramaswamy, good  
4 afternoon, sir.

5 **MR. RAMASWAMY:** Good afternoon, Your Honor. The  
6 Government calls for hearing on a supervised release violation  
7 United States versus Brian David Hill in 1:13CR435-1,  
8 represented by Ms. Pryor.

9 **MS. PRYOR:** Good afternoon, Your Honor.

10 **THE COURT:** Good afternoon, Ms. Pryor. How are you?

11 **MS. PRYOR:** I'm wonderful, Your Honor. Thank you.

12 **THE COURT:** Mr. Hill, good afternoon to you.

13 Mr. Alligood and Mr. McMurray are here from the  
14 Western District of Virginia, welcome, here on behalf of  
15 Probation.

16 We're here today because the petition and the  
17 supplemental report allege that Mr. Hill violated the terms of  
18 supervision.

19 Did you receive a copy of the petition and the  
20 supplement?

21 **MS. PRYOR:** We did, Your Honor.

22 **THE COURT:** Have you reviewed those with your client?

23 **MS. PRYOR:** I have, Your Honor. And Mr. Hill is  
24 actually requesting a continuance of this matter today, Your  
25 Honor. I believe it was -- I won't said filed because we don't

1 have an actual clerk's office here, but I think he did provide  
2 it on I believe the 8th floor, Your Honor, and because of the  
3 time that he drafted it, it seems like last night, he didn't  
4 have an opportunity to file it. So he did provide it to me, a  
5 copy, today.

6 He's asking for a continuance because his matter in  
7 state court was actually -- his appeal hearing was continued to  
8 December 2. It was in order -- the first hearing that he had,  
9 I believe he -- his attorney was released from that. He has a  
10 new attorney in state court, and so they continued it out to  
11 December 2.

12 And so Mr. Hill is asking, based on his rights here,  
13 that he would like for his hearing to be heard -- in  
14 Martinsville, Virginia, to be heard before this hearing today.

15 **THE COURT:** So explain to me exactly what is set for  
16 hearing in Virginia.

17 **MS. PRYOR:** So, Your Honor, he was found guilty of  
18 indecent exposure in Martinsville, Virginia. He appealed that  
19 matter. That matter was scheduled for --

20 **THE COURT:** Let me stop you.

21 **MS. PRYOR:** I apologize, yes.

22 **THE COURT:** So he's found guilty in the trial court?

23 **MS. PRYOR:** He was found guilty at trial, yes, Your  
24 Honor.

25 **THE COURT:** So he's appealed it to whom?

1           **MS. PRYOR:** He's appealed it to their -- which would  
2 be their next level, which would be their superior court. In  
3 that case, when he went to court on -- I think that was two  
4 weeks ago, they continued that matter to December 2 to be heard  
5 at that time, and he now has a new attorney.

6           **THE COURT:** And what's the nature of that appeal?

7           **MS. PRYOR:** It is the underlining matters that are  
8 here on this case.

9           **THE COURT:** I understand. Is it a de novo review, or  
10 is it an appeal?

11          **MS. PRYOR:** It would be a de novo review, Your Honor.

12          **THE COURT:** All right. What was he found guilty of?

13          **MS. PRYOR:** He was found guilty of the charges that  
14 he's here for today, Your Honor, which was in violation of  
15 indecent exposure. I think it's 137 -- I think it's 20-137,  
16 which is indecent exposure. It is a misdemeanor, Your Honor.

17          **THE COURT:** According to the petition, it's Virginia  
18 Code 18.2-387.

19          **MS. PRYOR:** I apologize, Your Honor. That's correct.

20          **THE COURT:** All right. Okay. Anything else on that?

21          **MS. PRYOR:** That's it, Your Honor. And then, of  
22 course, you know, Your Honor, if you would not continue it,  
23 we're prepared to proceed.

24          **THE COURT:** Well, I've also reviewed apparently today  
25 a pro se emergency notice of interlocutory appeal. Are you

1 aware of that?

2 **MS. PRYOR:** That's what I actually have, Your Honor,  
3 and I was referencing it as a continuance. Your Honor, I did  
4 receive that. I believe it might be couched in the wrong -- in  
5 what he's requesting. So, Your Honor --

6 **THE COURT:** This one says he's appealing to the  
7 Fourth Circuit; is that not right?

8 **MS. PRYOR:** That is correct, Your Honor.

9 **THE COURT:** What he's appealing?

10 **MS. PRYOR:** Your Honor, he is appealing --

11 **THE COURT:** I haven't ruled yet.

12 **MS. PRYOR:** I know, Your Honor.

13 **THE COURT:** Okay. All right.

14 Mr. Ramaswamy?

15 **MR. RAMASWAMY:** As to this -- addressing this motion  
16 --

17 **THE COURT:** Which "this"?

18 **MR. RAMASWAMY:** I'm sorry. There's no file number on  
19 it, but the petition for notice of interlocutory appeal, it  
20 would appear to the Government he's appealing Document 183,  
21 that's in the second paragraph, which is the Court's order on  
22 the motion to continue. That was a motion to continue by the  
23 defense, which the Court granted and the Government didn't  
24 oppose. So it would appear Mr. Hill's attempting pro se to  
25 appeal an order that was in the Defendant's favor.



1           **THE COURT:** Hold on just a minute.

2           (Pause in the proceedings.)

3           **THE COURT:** Okay. What's your position on the other  
4 motion? They want to continue this because he's appealing  
5 Virginia -- the court's -- the trial court's determination.

6           **MR. RAMASWAMY:** I don't believe there is a motion --  
7 unless it's one made orally, there is a motion to continue.

8           **THE COURT:** Do I have a written one?

9           **MS. PRYOR:** You do not have a written one, Your  
10 Honor. That was an oral motion just now, Your Honor. That's  
11 correct.

12          **THE COURT:** What's your view on that?

13          **MR. RAMASWAMY:** We would oppose, Your Honor. The  
14 officer is here under subpoena. The Defendant is here. The  
15 supervising officer is also here from Martinsville, Virginia.

16          **THE COURT:** Let me ask a question. When did the  
17 court in Virginia rule?

18          **MS. PRYOR:** Your Honor, do you mind if I get a second  
19 just to ask that question?

20          **THE COURT:** That's fine. I am going to want to know  
21 when he took the appeal, too.

22          **MS. PRYOR:** Okay. Yes, Your Honor.

23          (Ms. Pryor conferred with the Defendant.)

24          **MS. PRYOR:** I apologize. Thank you, Your Honor.  
25          Your Honor, he actually was found guilty on

1 December 21 of 2019. He filed a pro se appeal on December 21,  
2 but it was mailed, so they did not have it couched as a pro se  
3 appeal until December 26 of 2019 -- I mean, I'm sorry, 2018. I  
4 apologize.

5 **THE COURT:** Okay. And then when was that scheduled  
6 for hearing?

7 **MS. PRYOR:** Well, Your Honor, when he did have the  
8 first hearing, they then -- he, of course --

9 **THE COURT:** When was the appeal scheduled to be  
10 heard, the original?

11 **MS. PRYOR:** Oh, the original, it was not scheduled  
12 until May and then -- that's only because he went off -- and I  
13 know that's probably longer than what you are asking me for,  
14 but they sent him to Butner for competency. He came back in  
15 May. They did couch the first hearing for May, and then they  
16 continued that one because he released that attorney. And then  
17 in July, he had a hearing, which is the one that you gave us  
18 permission to continue to this date for that hearing, but then  
19 that hearing was then rescheduled. He has another attorney who  
20 is going to be handling that hearing on December 2.

21 **THE COURT:** Okay. Well, the motion is dennded. The  
22 standard before this Court on a potential revocation of a  
23 petition is a preponderance standard, which is a different  
24 standard. So even if he were found not to be guilty beyond a  
25 reasonable doubt in a criminal court, that would not

1 necessarily preclude this Court from finding him guilty on a  
2 preponderance basis because that's the burden of proof. So it  
3 is also a late-blooming motion, so on timeliness grounds as  
4 well, I am going to deny the motion.

5 **MS. PRYOR:** Thank you, Your Honor.

6 **THE COURT:** All right. I read this emergency  
7 petitioner's notice of interlocutory appeal. To the extent  
8 that's even pending before me, it's not an impediment to my  
9 moving forward. He's purporting to appeal an order that, as  
10 the Government says, was one I granted in his favor, extending  
11 him more time to proceed. So he's not been harmed by that  
12 order, but, in any event, it's interlocutory.

13 So are you prepared to proceed?

14 **MS. PRYOR:** Yes, sir.

15 **THE COURT:** Did you say you reviewed the petition and  
16 the supplement with your client?

17 **MS. PRYOR:** I did review it with him, yes, Your  
18 Honor.

19 **THE COURT:** Do you have access to his original  
20 presentence report?

21 **MS. PRYOR:** I do, Your Honor.

22 **THE COURT:** And are you confident that he understands  
23 the charges pending against him?

24 **MS. PRYOR:** I am confident that he understands the  
25 charges that are here today.

1           **THE COURT:** All right. Mr. Hill, I need to speak  
2 with you for a moment, if you would stand, please, sir.

3           How are you this afternoon?

4           **THE DEFENDANT:** I'm all right.

5           **THE COURT:** Good. Did you receive a copy of the  
6 petition and supplement?

7           **THE DEFENDANT:** I did.

8           **THE COURT:** Did you review those with Ms. Pryor?

9           **THE DEFENDANT:** Yes.

10          **THE COURT:** Do you understand the charge against you?

11          **THE DEFENDANT:** I am.

12          **THE COURT:** You may have a seat, sir.

13               The allegation in the petition is that Mr. Hill was  
14 arrested by the Martinsville, Virginia Police Department for a  
15 misdemeanor indecent exposure on September 21, 2018. He  
16 reportedly was running around a public park nude at the time.

17               Does the Defendant admit or deny this allegation?

18          **MS. PRYOR:** He denies, Your Honor.

19          **THE COURT:** All right. Is the Government prepared to  
20 proceed?

21          **MR. RAMASWAMY:** Yes, Your Honor.

22          **THE COURT:** All right. You may call your witnesses.

23          **MR. RAMASWAMY:** Thank you. The Government would call  
24 Robert Jones.

25          **SERGEANT ROBERT JONES,** GOVERNMENT'S WITNESS, being first duly

1 sworn, testified as follows at 3:48 p.m.:

2           **THE COURT:** Before you begin, give me a chance to  
3 look at one thing.

4           **MS. PRYOR:** Your Honor, may I have just one moment  
5 with my client?

6           **THE COURT:** Yes, you may.

7           (Ms. Pryor conferred with the Defendant.)

8           **THE COURT:** Okay. I was just confirming that it's  
9 Docket Entry 176, that the U.S. Court for the Western District  
10 of Virginia in Roanoke did, in fact, find Mr. Hill to be  
11 competent. That appears to be the case.

12           **MS. PRYOR:** That is correct, Your Honor.

13           **THE COURT:** Thank you. All right.

14           Mr. Ramaswamy, you may proceed, sir.

15                               DIRECT EXAMINATION

16 **BY MR. RAMASWAMY**

17 Q       Would you state your name and occupation for the record,  
18 please.

19 A       Robert Jones, patrol sergeant in the Martinsville City  
20 Police Department.

21 Q       How long have you been with the Martinsville PD?

22 A       Just over 17 and a half years.

23 Q       And were you on duty on September 21st of last year?

24 A       I was.

25 Q       And what were your duties on that date?

1 A I was the supervisor for the patrol shift that evening.

2 Q Did you receive a call from dispatch that evening?

3 A We did.

4 Q What was that call in reference to?

5 A Radio traffic came across as a male subject with no  
6 clothes on running down the side of the street at Hooker Street  
7 near the Henry County Public Safety building.

8 Q And what did you do in response to that call?

9 A Several of the officers that work for me went to that area  
10 and were trying to locate that individual. I came from another  
11 part of the town. As I came across, they were not having any  
12 luck locating him. I went to an area of Pine Street. At the  
13 dead end section of that, there is a set of steps that go onto  
14 the walking trail that connects where the individual was first  
15 seen to where I was coming from.

16 Q You mentioned Hooker Street was the original place of the  
17 report; correct?

18 A Correct. It's Hooker Street and Church Street there at  
19 Burger King. It's an intersection right there at that area.

20 Q You mentioned the walking trail. What's the name of that  
21 trail?

22 A It is the Dick and Willie Trail.

23 Q And do you know approximately how long that trail is?

24 A It's several miles long.

25 Q And in reference to Martinsville, where does it go in

1 reference -- is it remote or is it residential or a mixture?

2 A A mixture.

3 Q I believe you said you went to a set of steps near Pine  
4 Street; is that correct?

5 A Yes, sir.

6 Q Would you tell the Court what happened next?

7 A I went down the steps around the edge of the intersection  
8 there where the trail splits off back towards the direction  
9 where the individual had been seen. As I was coming up the  
10 trail, I could hear footsteps coming towards me; at which  
11 point, I stopped to see if the individual would come closer to  
12 me before I made contact.

13 Q On that trail, is that trail open at night?

14 A It is.

15 Q Is it a park?

16 A It's a walking trail that goes from the county through the  
17 city back out into the county.

18 Q And you said you heard the footsteps before you saw  
19 someone?

20 A Correct.

21 Q Did you eventually see someone?

22 A I did.

23 Q Did you see him -- did you have a flashlight?

24 A I did.

25 Q Did you see him by your flashlight or by other light?

1 A By my flashlight.

2 Q And do you see the person that you saw that night?

3 A I do.

4 Q And is he in the courtroom?

5 A He is. It's the Defendant sitting at the table with his  
6 attorney.

7 Q Mr. Hill?

8 A Correct.

9 Q Describe Mr. Hill when you saw him.

10 A When I shined my light on Mr. Hill, he was completely  
11 naked other than a backpack, his tennis shoes and socks, and a  
12 stocking cap.

13 Q How far away was he when you first saw him?

14 A About the length of the courtroom.

15 Q And when you -- after you saw him, what did you do?

16 A I yelled at him to stop. When I shined my flashlight on  
17 him, he took off, which would have been where I was facing to  
18 my left into the wood line and down the hill into the creek.

19 Q Did you see him holding anything?

20 A He did. He had a yellow flashlight in his hand and then  
21 also another black object, which was later found to be another  
22 flashlight in his other hand.

23 Q I'm sorry. After he ran down the hill and into the wooded  
24 area, did you pursue?

25 A I did.



1 Q Describe that for the Court, please.

2 A We run through the brush, through the thicket down into  
3 the creek; at which point, he jumped over a log into the creek.

4 Q Was he still holding the objects?

5 A One of the objects had fell. The small black flashlight  
6 had fallen. That was picked up by one of the other officers  
7 that came to assist me.

8 Q And what did you do next?

9 A He was handcuffed at that point and was walked out of the  
10 wooded area back to the patrol cars that met us at -- off of  
11 Hooker Street on one of the side streets.

12 Q You mentioned two flashlights in a backpack. Did he have  
13 anything else with him?

14 A Yes, there was -- in his backpack was located a camera.

15 Q Did Mr. Hill make any statements to you at that time?

16 A He was complaining of knee pain; at which point, we  
17 transported him to the hospital to get him checked out to make  
18 sure he was okay. While there, he proceeded to explain to me  
19 that the reason he was out there like that was because a male  
20 subject -- a black male in a hoodie had threatened him and  
21 forced him to take pictures of himself.

22 Q What -- did he gave any more detail than that, a black  
23 male in a hoodie forced him to take photos?

24 A He did. He said that the male subject threatened him and  
25 his family and told him that he needed to take these photos of

1 himself naked; otherwise, they were going to hurt his family.

2 Q Did he make any statement as to whether or not this person  
3 knew his family?

4 A When questioning him if the male subject was with him when  
5 he took the photos and stuff that were on the camera, he stated  
6 he was not with him. And when questioned about that and why he  
7 didn't come to see us and asked him -- he proceeded to explain  
8 to us that this subject was working for law enforcement and  
9 other individuals in reference to his prior charges.

10 Q So it was a story that his original child pornography  
11 charge -- that this unknown person was somehow affiliated with  
12 that charge?

13 A Correct.

14 Q What did he say about the camera itself?

15 A He said that the -- originally said that the male subject  
16 had given him the camera to go take the photos. I had seized  
17 the camera during this time. A search warrant was issued for  
18 it, and on the camera card -- on the SD card inside the camera  
19 was a Word document that belonged to Mr. Hill.

20 Q Were there other things on the camera card?

21 A Photos from that evening.

22 Q Did he say what he was supposed to do with the camera  
23 after he took these pictures?

24 A He did. He was supposed to leave it on one of the benches  
25 on the walking trail.

1 Q Now, did you obtain a search warrant for the contents of  
2 the camera?

3 A I did.

4 Q And did you later find the photographs and document you  
5 mentioned on the camera?

6 A Correct.

7 **MR. RAMASWAMY:** May I approach?

8 **THE COURT:** Yes.

9 **BY MR. RAMASWAMY**

10 Q Officer Jones, I'm going to show what's marked as  
11 Government's Exhibit 1, which is a two-page exhibit, a contact  
12 sheet. Do you recognize what's on Government's Exhibit 1?

13 A Yes. These are thumbnails of the photos that were found  
14 on that card.

15 Q I'm going to ask you to look at Government's Exhibit 1,  
16 and on the photographs themselves, does there appear to be a  
17 time/date stamp?

18 A It is.

19 Q Is that time/date stamp consistent with the day that the  
20 incident occurred?

21 A It is.

22 Q And also below each photograph is some text that begins  
23 with the word "Sanyo," and the first one at the top left of  
24 Government's Exhibit 1 says sanyo001.jpg. Do you know what  
25 that is?

1 A That's the -- normally, that's the stamp that the camera  
2 puts onto the card for the photo that's stored on it.

3 Q So that's the file name for each of the photographic files  
4 on the camera?

5 A Correct.

6 Q Is what's shown in Government's Exhibit 1 all of the  
7 photographs found on Mr. Hill's camera?

8 A Yes.

9 Q And I know there are --

10 **MR. RAMASWAMY:** I would ask that Government's  
11 Exhibit 1 be admitted, Your Honor.

12 **MS. PRYOR:** Your Honor, we have no objection. Just  
13 ask that it be sealed because of the nature of it.

14 **THE COURT:** All right. It's admitted.

15 **BY MR. RAMASWAMY**

16 Q I'm going to ask you about Government's Exhibit 1 in  
17 relation to this trail, the Dick and Willie Passage. In your  
18 further investigation or knowledge, were you able to determine  
19 whether these photographs were taken in reference to that  
20 trail?

21 A Further investigation from the initial incident, it looks  
22 like all of these were taking place at the Greene Company right  
23 behind the Mexican restaurant right in that area, Virginia  
24 Avenue, Memorial Boulevard, and Commonwealth Boulevard.

25 Q What type of area is that?

1 A It's the Wal-Mart -- it's our Wal-Mart intersection.  
2 There's several restaurants, a gas station right here in this  
3 little area, along with a hotel there as well.

4 Q In terms of Martinsville, or Henry County, is it -- how  
5 would you describe it in terms of car traffic? Foot traffic?

6 A Heavy traffic.

7 **THE COURT:** Any objection to sealing these, given the  
8 nature of them?

9 **MR. RAMASWAMY:** I don't have any objection.

10 **MS. PRYOR:** Thank you.

11 **THE COURT:** I'll order that they be sealed, that is,  
12 Government's Exhibit 1.

13 **BY MR. RAMASWAMY**

14 Q It's Detective Jones; correct?

15 A Sergeant Jones.

16 Q I'm sorry.

17 A No problem.

18 Q Sergeant Jones, I'm going to show what's marked as  
19 Government's Exhibit 2. Do you recognize Government's  
20 Exhibit 2?

21 A Yes, sir.

22 Q In Government's Exhibit 2 is a map, arrows, and some text.  
23 Have you previously reviewed this in relation to the  
24 photographs and file names?

25 A Yes, sir.

1 Q And as it describes in numbered sequence one through five,  
2 does that accurately show, as to the files in Government's  
3 Exhibit 1, the locations where those photographs were taken?

4 A Yes, sir. These are consistent with the photographs.

5 Q Those photographs I mentioned before have a time stamp;  
6 correct?

7 A Correct.

8 Q And for the record, on Government's Exhibit 2, on the  
9 first number there, under No. 1, when do the photographs begin,  
10 as far as the time stamp?

11 A At 12:29 a.m.

12 Q Sergeant Jones, I'm showing you what's marked as  
13 Government's Exhibit 3, and I want you in reference to -- what  
14 does Government's Exhibit 3 show?

15 A This is photographs of the Greene Company from Virginia  
16 Avenue over the bridge, along with the beginning of the walking  
17 trail there for parking, the bike rack, and the little bulletin  
18 board there at the beginning of the trail.

19 Q You mentioned that bike rack and bulletin board. That's  
20 approximately in the center of the large photograph; correct?

21 A Correct.

22 Q And the bike rack is that the green --

23 A Just the little -- right beside the green trash can and  
24 bulletin board.

25 Q Do you see those same -- that bulletin board and bike rack

1 and trash can in Government's Exhibit 1, in those photographs?

2 A Yes.

3 Q And I'll show you what's marked Government's Exhibit 4.

4 Again, another large photograph in the daytime -- taken in the  
5 daytime. Do you recognize that?

6 A Yes, sir. That is the backside of the Greene Company and  
7 their parking lot, along with the Taco Bell old truck --  
8 transfer truck that they have there.

9 Q That says Taco Bell?

10 A Minus a few letters.

11 Q Okay. On the second page of Government's Exhibit 1, is  
12 there are also a Taco Bell truck with the B and final L missing  
13 from Bell?

14 A Correct.

15 Q Is that what you were able to determine was the location  
16 of the photographs shown on the back -- the second page of  
17 Government's Exhibit 1?

18 A Yes, sir.

19 Q I'll show you what's marked Government's Exhibit 4 --  
20 Government's Exhibit 5. Would you tell us what's shown in that  
21 photograph?

22 A That is the intersection for the Commonwealth, Virginia  
23 Avenue, Memorial Boulevard intersection.

24 Q And that's a photograph taken in the daytime; correct?

25 A Correct.

1 Q Now, in relation to Martinsville, Henry County -- well,  
2 strike that.

3 Is that the same intersection that has the Wal-Mart on the  
4 one side and other businesses on the other?

5 A Correct.

6 Q In relation to Martinsville and Henry County, how busy of  
7 an intersection is that? Is it a -- it's in the top?

8 A It's one of our busiest intersections for that area.

9 Q I am going to show you a photograph marked Government's  
10 Exhibit 6.

11 **MR. RAMASWAMY:** And I have no objection if counsel  
12 moves to seal this one as well, Your Honor.

13 **MS. PRYOR:** That would be my request, Your Honor.

14 **THE COURT:** All right. It's granted.

15 **BY MR. RAMASWAMY**

16 Q I have some questions related to Government's Exhibit 6.  
17 What is shown in that exhibit?

18 A This is the grassy section just up from the intersection  
19 behind the gas station. The Wal-Mart intersection is here with  
20 the stoplights. The signs for all the stores down there in the  
21 strip mall just below Wal-Mart is here in the smaller, lower  
22 right-hand corner.

23 Q And you're pointing to the lower right-hand corner of  
24 Government's Exhibit 6. Is there also a yellow sign with a  
25 semicircular top about in the center near the bottom?



1 A Yes, sir.

2 Q What business is that?

3 A That's one of the businesses right here on the main strip.  
4 I think it's a Midas or Monroe, something to that effect, and  
5 then Hill Chiropractic is right there as well.

6 Q Is that a tire store?

7 A Correct.

8 Q And is that visible? Is this intersection visible in  
9 Government's Exhibit 5?

10 A Yes, sir. It's right here.

11 Q And you're pointing to -- in Government's Exhibit 5, on  
12 the right, you're pointing to where there's a Lowe's sign, in  
13 between the Lowe's and the Wal-Mart?

14 A Right. The Hill Chiropractic sign is here just at the  
15 stoplight, the Monroe Muffler shop is here, and the Wal-Mart  
16 intersection is all right there together.

17 **MS. PRYOR:** Your Honor, do you mind if I move closer  
18 just so I can see where they're pointing? I am unable to see  
19 it from here.

20 **THE COURT:** Why don't you hold it up so counsel can  
21 see it.

22 **THE WITNESS:** The Wal-Mart intersection is here where  
23 the blue sign is. We've got the yellow building, which is the  
24 muffler shop, tire shop there, and then just past that one with  
25 this other brick building behind it is the Hill Chiropractic

1 building.

2 **BY MR. RAMASWAMY**

3 Q I have a couple more.

4 Directly -- is Mr. Hill shown in this Government's  
5 Exhibit 6?

6 A He is.

7 Q In the space between his arm, is there a sign visible?

8 A It is.

9 Q Do you see that same sign in Government's Exhibit 5?

10 A Yes, sir.

11 Q What sign is that in Government's Exhibit 5?

12 A It's the Mexican restaurant sign, the El Parral.

13 Q And do you also see behind Mr. Hill in Government's  
14 Exhibit 6 what appears to be a yellow curb?

15 A I do.

16 Q Do you see that yellow curb in Government's Exhibit 5?

17 A I do. That is actually the Stultz Road intersection.

18 Q Can you tell on Government's Exhibit 5 the vantage point  
19 from which Government's Exhibit 6 was taken?

20 A That appears to be the grassy section behind the gas  
21 station, which is Fast Fuels.

22 Q I'm going to give you a pen. If you would mark on there,  
23 if you're able.

24 A Fast Fuels would be up here just out of camera view, and  
25 it would be down here in this corner in Photo 6.

1 Q So you placed a small dot on each photograph, which is the  
2 apparent vantage point on Government's Exhibit 5 from which  
3 this photo was taken; correct?

4 A Correct.

5 Q Do you see anything other than the store lights in  
6 Government's Exhibit 6?

7 A Yes, sir. There appears to be taillights from a vehicle  
8 passing at the intersection.

9 Q And that is on the photograph just to the right of the  
10 Defendant's leg with the black sock?

11 A Correct, which would be roughly two-thirds down the page,  
12 middle of the page.

13 Q In relation to this trail, do you -- strike that.

14 Let me show what's marked as Government's Exhibit 7, and I  
15 ask you to take a moment and look at that.

16 Have you seen that exhibit before?

17 A I have.

18 Q Would you describe what's in the exhibit?

19 A It's a roadmap of the city and locations of where the  
20 photos were originally started and a location of the time of  
21 the original call that we received from dispatch and  
22 approximate arrest location.

23 Q So there's four annotations on here. This 310 Forest  
24 Street, do you know what that is?

25 A That's down where the suspect lived, Mr. Hill.

1 Q And everything -- as far as the photographs, were those  
2 taken where it says photos taken here, 12:29 to 1:20 a.m.?

3 A Correct.

4 Q And I may not have asked you the time that the call came  
5 in to the police, but do you know what time that call came in?

6 A It was 3:12 in the morning.

7 Q And is this -- can you review the place where it says  
8 "arrest"? Is that accurate as to the place to which the  
9 Defendant was arrested?

10 A Yes, sir.

11 Q The distance between where the photographs were taken and  
12 where it shows the 911 call location was made, can you tell  
13 even approximately what distance was that?

14 A It's a couple of miles.

15 **MR. RAMASWAMY:** One moment, please.

16 **THE COURT:** Sure. While you're going through that,  
17 just so counsel has an idea, I can go until about 5:15 today.  
18 So if you think you need to go beyond that, we'll have to make  
19 arrangements.

20 **MR. RAMASWAMY:** I don't anticipate -- thank you, Your  
21 Honor. I am sorry to interrupt. I don't anticipate more than  
22 two other exhibits, and my evidence will be all through this  
23 witness.

24 **THE COURT:** All right.

25

1 **BY MR. RAMASWAMY**

2 Q I'm going to show you a four-page exhibit marked as  
3 Government's Exhibit 8, and I ask that you take a moment and  
4 look at that, please.

5 Sergeant Hill [sic], can you tell -- have you seen  
6 Government's Exhibit 8 before?

7 A I have.

8 Q What is it?

9 A It's the document that was found on the SD card in printed  
10 version that belonged to Mr. Hill that was on the camera when  
11 we did the search warrant.

12 Q So this document was on the same card as the photographs?

13 A Correct.

14 Q And I will show what's been marked as Government's  
15 Exhibit 9. I'll ask that you take a look at that.

16 In your examination of the contents of the camera card,  
17 did you observe the properties for that four-page document I  
18 just showed you?

19 A I did.

20 Q And is this a screenshot of the properties?

21 A It is.

22 Q And under the author, what does it say?

23 A Brian D. Hill.

24 Q Did you ever see anyone else on the trail that night  
25 besides Mr. Hill?

1 A No, that's the only person that I came into contact with.

2 Q Other than September 21, were you -- of last year, were  
3 you aware of other calls in reference to a naked person on that  
4 trail or in that area?

5 A We have had other calls in the city in reference to a  
6 white male running naked with a stocking cap on, which was  
7 consistent with Mr. Hill.

8 Q Did you get similar calls after Mr. Hill was arrested in  
9 this case?

10 A We've had, I know, two other calls for indecent exposure  
11 incidents, but they were both identified as not being Mr. Hill.

12 Q And you mentioned he was -- he was charged with indecent  
13 exposure; correct?

14 A Correct.

15 Q Are you familiar with the Virginia statute?

16 A Yes, sir.

17 Q I will show you what's been marked as Government's  
18 Exhibit 10, and ask that you take a look at that and see if you  
19 recognize that.

20 A Yes, sir.

21 Q What is Government's Exhibit 10?

22 A That is a printout of our state statute for indecent  
23 exposure.

24 Q And that's under your Virginia Code Section 18.2-387;  
25 correct?

1 A Correct.

2 Q That's what Mr. Hill was charged with?

3 A He was charged under our local statute, which mimics this  
4 just for funding purposes.

5 Q There was mention before about a trial. Was that a bench  
6 trial?

7 A Yes, sir.

8 Q So the current matter on appeal was on appeal for jury  
9 trial; correct?

10 A It was slated for a jury trial, yes, sir, it was.

11 Q Do you know when that was set for trial?

12 A It was a couple of weeks ago. It was continued. I'm not  
13 sure of the exact date. I don't have my calendar.

14 **MR. RAMASWAMY:** I have no other questions.

15 **THE COURT:** All right. Are you moving any of these  
16 in?

17 **MR. RAMASWAMY:** I'm sorry. I believe I moved for  
18 Government's Exhibit 1. For the remainder of the exhibits,  
19 we'd asked that they be admitted, and I believe two of them are  
20 under seal, Your Honor.

21 **THE COURT:** Any objection?

22 **MS. PRYOR:** No objections, Your Honor.

23 **THE COURT:** They are admitted, and Exhibit 1 and  
24 Exhibit 5 are under seal.

25 Ms. Pryor, any questions?

1                   **MS. PRYOR:** Yes, Your Honor.

2                                   CROSS-EXAMINATION

3 **BY MS. PRYOR**

4 Q       Can you tell us -- I believe you stated that the call came  
5 in around what time?

6 A       Around 3:12 in the morning.

7 Q       And was that the only call that you received?

8 A       It was.

9 Q       Okay. And at 3:12 in the morning, are any of the places  
10 that's on the map, I believe Taco Bell, the Mexican  
11 restaurants -- are those places open at that time?

12 A       The Greene Company that has the Taco Bell delivery truck  
13 is not open at that point. The Wal-Mart at that intersection  
14 is still open. Other than -- as far as the Mexican restaurant  
15 and the other restaurant right on the corner, they are not.

16 Q       I believe there is a Roses as well on that corner as well?

17 A       Correct.

18 Q       And Lowe's as well?

19 A       Yes.

20 Q       And are those open at that time in the morning?

21 A       No, ma'am.

22 Q       And when you did proceed to arrest my client at that time,  
23 how many people were around at that time?

24 A       It was me and him when he was placed in handcuffs in the  
25 woods. Another officer was coming down to us but had not made



1 it to us at that point.

2 Q Was there anyone on the trail at that time?

3 A I did not make any contact with anybody else at that time.

4 Q And you said what when you approached him? He was -- that  
5 he did -- he did lead you on a pursuit?

6 A Correct.

7 Q Do you recall about how long that pursuit was?

8 A It wasn't far. He made it to the bottom of the hill  
9 through the vines and brush and, like I said, jumped over a log  
10 into the creek out of my sight, which I was trying to give him  
11 commands to show me his hands at that point.

12 Q And you didn't see anyone when you were on that pursuit?

13 A No.

14 Q At the time -- these photos are clearly taken during the  
15 daytime with many cars, of course, on this, but at 3:12 a.m.  
16 when you were traveling, based on that call, did you see --  
17 about approximately how many cars was on the road at that time?

18 A This was not at -- when he was taken into custody, it was  
19 not at that intersection. It was farther up the trail towards  
20 the other side of the city.

21 Q Okay. So farther up the trail -- are there any  
22 restaurants farther up that trail?

23 A That actually comes out to another intersection where  
24 there's restaurants, some other businesses, and stuff like  
25 that. Those were not open during this particular time. It

1 proceeds up past the access for the hospital and continues on  
2 out to the Public Safety building, which is -- somebody's  
3 staffing that 24 hours a day.

4 Q Okay. And you said that the caller, based on the diagram  
5 on -- I believe that's Government's Exhibit No. 7. The caller  
6 that called in at 3:12 a.m., that was near I believe -- that  
7 looks like a Burger King; is that correct?

8 A Correct. Right there at that intersection for the Burger  
9 King is a 24-hour laundromat and just around -- if you take a  
10 right from there, you are in sight of the CVS that's open 24  
11 hours a day.

12 Q And that's not pictured here on Exhibit No. 5; correct?

13 A No.

14 Q And when you approached -- or when you did ask him to  
15 stop, did you have on your uniform at the time?

16 A I did.

17 Q And did you tell him that you were police at the time?

18 A I do not recall if I actually said I was police or not  
19 when I told him to stop; at which point, he went straight into  
20 the woods, and I began chasing him.

21 Q And once you did arrest him, you said that he had a  
22 flashlight and a book bag, and I believe you said one other  
23 item?

24 A There was a backpack on him. He had a large flashlight,  
25 like a square battery one, in his hand, and he also dropped a

1 small black flashlight while running.

2 Q And you were able to recover all of those things?

3 A We did.

4 Q Did he voluntarily provide you with his camera as well?

5 A He did. When he was explaining the situation, his first  
6 story as to what had -- the reason why he was out there that  
7 late, he gave us permission to look at -- one of the officers  
8 to look at the photos, and that's how we came about those.

9 Q Okay. And one of the things that he said at the time is  
10 that there was a male that was in a hoodie, that he was told  
11 that he had to take those pictures?

12 A Correct.

13 Q And did he tell you any other information about the male  
14 in the hoodie?

15 A He proceeded to explain to me that during this time frame,  
16 during questioning him and trying to get some more information  
17 about that -- he provided more information as to that male  
18 subject with the hoodie was working for the people that were --  
19 that had originally been in his original charges.

20 Q Okay. And did you investigate whether he -- whether there  
21 was some threat to his family or anything?

22 A Talking with him, the time frame didn't really add up to  
23 me at that point. We made contact with his -- tried to make  
24 contact with his mother that night. I don't know if anybody  
25 actually spoke to her. I don't recall.

1 Q Okay. But as part of your investigation, have you been  
2 able to find out whether there were some threatening matters  
3 that was sent to him or his family?

4 A I have not heard anything of that, no.

5 Q But do you -- but you didn't do the investigation?

6 A No.

7 Q Did Mr. Hill -- when you approached him, did he tell you  
8 that he had autism?

9 A He did.

10 Q And do you guys -- does your -- I would say does your --  
11 does the department train you on how to approach someone with  
12 autism?

13 A We deal with some academy-wise and not much follow-up  
14 after that.

15 Q Did he also tell you that he was a diabetic as well?

16 A I do not recall him telling me that, no.

17 Q Did he tell you that he was also OCD?

18 A Not that I recall.

19 Q And when you took him to the hospital, did they admit him  
20 into the hospital that night?

21 A No, they cleared him medically and psychologically and  
22 released him to us.

23 Q Okay. Did you get those reports from -- the medical  
24 reports?

25 A No, I did not do a subpoena for his hospital records.

1 Q Okay. Did you speak to a doctor or anyone regarding his  
2 condition or anything of that nature that night?

3 A We -- other than just checking with him to see if they  
4 were going to be releasing him or admitting him, no.

5 Q Do you recall any tests that were taken that night besides  
6 just checking, I believe you said, his knee?

7 A No, ma'am. Like I said, when we -- we also checked him  
8 for mental health issues is the reason why they cleared him  
9 psychologically, to make sure there was nothing going on there.  
10 Once they do that, they do lab work and other stuff. I didn't  
11 ask about his medical history.

12 Q Was there any tests dealing with his blood alcohol content  
13 or anything of that nature?

14 A I don't know if they did. Like I said, I did not get his  
15 records. They normally do, but I do not have that.

16 **MS. PRYOR:** No further questions, Your Honor.

17 **THE COURT:** Any redirect?

18 **MR. RAMASWAMY:** Briefly, Your Honor.

19 REDIRECT EXAMINATION

20 **BY MR. RAMASWAMY**

21 Q Counsel asked you about certain businesses and whether or  
22 not they were open in this time frame. Are there residences  
23 along this trail?

24 A It is.

25 Q Were there residences close to the trail?

1 A There are.

2 Q Are there residences where there's no obstruction between  
3 the residence and the trail?

4 A Yes, sir.

5 Q And this did, in fact, come in on a call of a report of a  
6 naked man; correct?

7 A Correct.

8 **MR. RAMASWAMY:** No other questions.

9 **MS. PRYOR:** I just have a follow-up on that.

10 **THE COURT:** All right.

11 **RE CROSS-EXAMINATION**

12 **BY MS. PRYOR**

13 Q Were any pictures taken in front of any houses?

14 A Not on the camera that I saw, no.

15 Q And the residences that he mentioned, are those residences  
16 behind trees on the trail?

17 A There's some that back up to it that you can see the trail  
18 from, along with -- the original call that came in, the trail  
19 actually runs right up the side of the road where the original  
20 call came in.

21 Q And did that call come in from a resident?

22 A No, it was a passerby in a car.

23 **MS. PRYOR:** Thank you. No further question.

24 **THE COURT:** What time did you say you were on the  
25 scene there the first time?



1 A Yes, sir, I have supervised him Mr. Hill since about  
2 July 1, 2015.

3 Q Okay. And as long as you have been supervising Mr. Hill,  
4 has he had any infractions besides the one that we are  
5 presently here for today?

6 A The only one was when shortly after he was released from a  
7 prior revocation hearing, for which he was not revoked, he was  
8 referred to sex offender specific treatment. After a short  
9 time of enrollment, the counselor advised that he was not  
10 amenable to treatment and recommended that he be terminated. I  
11 advised the probation office in this district, who had, in  
12 turn, advised the Court, and the determination was made that if  
13 he was otherwise stable with no other concerns or issues, we  
14 could just continue with supervision.

15 Q Okay. And so he continued on supervision.

16 Did he have the occasion to attend any mental health  
17 treatment?

18 A He saw a private counselor named Preston Page that was  
19 paid for by his Medicaid, I do believe. He maintained contact  
20 with Mr. Page, and I would check with Mr. Page occasionally to  
21 see how things are going.

22 Q Are you aware that Mr. Hill is diagnosed with autism?

23 A I am aware, yes.

24 Q And with your reaction and your interaction with him, have  
25 you found -- have you found to determine that you do see some



1 level of weaknesses when it comes to -- when it comes to your  
2 communication with him?

3 A Sometimes it can be difficult to communicate with  
4 Mr. Hill. So I have on many occasions -- he resides with his  
5 mother, and I have spoken with Roberta, is his mother's name,  
6 to see how things are going. And Mr. Hill has always been  
7 respectful. It is hard to communicate with him on --  
8 sometimes, but I will speak with his mother, and I have spoken  
9 with his grandparents on occasion as well.

10 Q Okay. And when you've talked to Mr. Hill, I think you  
11 stated it, has he been respectful with you?

12 A He has.

13 Q And did Mr. Hill tell you -- did you get an opportunity to  
14 speak to him about this particular violation hearing?

15 A In what regard?

16 Q Just has he talked to you about what happened or anything,  
17 that he spoke to the police officers and that nature?

18 A When he was incarcerated, he had submitted some letters.  
19 We have not spoken face to face or on the telephone regarding a  
20 violation.

21 Q And other than this violation that we're here today,  
22 Mr. Hill, to your recollection, has been in compliance with all  
23 of the conditions of his release?

24 A He's been in compliance since I have supervised him until  
25 his arrest.

1 Q Okay. Did you --

2 **MS. PRYOR:** Can I have one moment, Your Honor?

3 **THE COURT:** Yes.

4 (Pause in the proceedings.)

5 **BY MS. PRYOR**

6 Q Do you recall what date he was arrested for these matters?

7 A September 21, 2018.

8 Q Okay. And do you recall what date the federal -- that the  
9 federal Government -- or, let me say, the probation office  
10 filed their violation?

11 A I'm not aware of the exact date that the petition in North  
12 Carolina -- this district was filed, but I notified the  
13 probation office, and they proceeded to request the violation  
14 warrant. I'm not exactly sure of the date.

15 Q Okay. And do you recall whether Mr. Hill, once he was --  
16 once he was found guilty in Martinsville, did the Federal  
17 Government have a hold on his -- on his detainer?

18 A That is correct, because he was brought into magistrate  
19 court in Roanoke for his initial appearance on the violation  
20 proceedings.

21 Q Okay. And can you tell the Court what happened at the  
22 particular proceeding? Did you attend that proceeding?

23 A Yes, ma'am, I did.

24 Q First, did you attend that proceeding?

25 A Yes, ma'am, I was there.

1 Q And can you tell the Court what the judge recommended  
2 based on that proceeding that day?

3 A This took place on December 26, 2018. Magistrate Judge  
4 Ballou ordered that he be sent to Butner for a psychological  
5 evaluation.

6 Q And how many days was he supposed to be at that -- or go  
7 through that process?

8 A He was not returned to court until May 14th of this year,  
9 2019.

10 Q Okay. After he returned May 14th of this year, was he  
11 released at that time?

12 A Yes, ma'am, he was.

13 Q Okay. And he was released back home?

14 A Yes, to the home that he shares with his mother.

15 Q And did that Court find that he was not a flight risk at  
16 the time?

17 A Yes.

18 Q And since he's been home, I believe you said May 14, 2019,  
19 has he been in violation of that particular conditions of that  
20 release?

21 A No, ma'am.

22 Q Okay. And based on that release, that was -- based on  
23 that release on May 14, 2001 [sic], have you had a chance to  
24 visit him at home?

25 A Yes, monthly.

1           **MS. PRYOR:** No further questions, Your Honor.

2           **THE COURT:** Any cross?

3                           CROSS-EXAMINATION

4   **BY MR. RAMASWAMY**

5   Q     You mentioned previously that Mr. Hill's sex offender  
6   treatment or counseling was terminated because he was found not  
7   to be amenable to treatment; correct?

8   A     Yes, sir.

9   Q     Do you know what the nature of that was?

10   A    Yes, I do. Dr. Keith Fender of Radford Counseling advised  
11   that in group treatment Mr. Hill was not accepting  
12   responsibility for his underlining charge -- or conviction,  
13   rather, and that that would be a detriment to the group, and  
14   they determined that he should be removed from group, because  
15   part of that is that you accept responsibility and you work  
16   through what they call a workbook, which is a quite lengthy  
17   piece of material. So it was determined to remove Mr. Hill  
18   from the group.

19   Q     And counsel asked you if you had spoke to Mr. Hill about  
20   this incident. Did Mr. Hill admit the conduct in this  
21   violation, the conduct of this hearing?

22   A     We did not -- we have not spoken face to face. I have not  
23   asked him whether he committed the offense. He had written  
24   letters when he was in prison discussing the story that we  
25   heard previously about the individual asking him to take the

1 pictures.

2 Q Let me ask you -- I believe it's Government's Exhibit 8  
3 was the monthly supervision report for the month of  
4 August 2018.

5 A Yes, sir.

6 Q Have you -- did you previously see that exhibit?

7 A Yes, I have previously seen the exhibit.

8 Q Had you seen it before today?

9 A It is a copy of our monthly supervision report, which we  
10 receive timely every month from Mr. Hill, and it was  
11 representative of one that he sends me every month.

12 Q As far as being a registered sex offender and the  
13 conditions of his supervision, would that prevent him from  
14 going to parks and places where children congregate?

15 A I would have to review his conditions of supervision, but  
16 our standing order in the Western District of Virginia would  
17 require permission for someone to go to places that are  
18 primarily used by children.

19 Q Did Mr. Hill ever seek such permission in relation to the  
20 Dick and Willie Passage?

21 A In the past, he has asked for permission during the  
22 daytime hours to go on the trail to take pictures of wildlife  
23 and nature.

24 Q Now, the probation office's recommendation in this case is  
25 revocation; correct?

1 A That's correct.

2 Q Has that changed, to your knowledge, since the time the  
3 report has come up?

4 A To my knowledge, it has not.

5 **MR. RAMASWAMY:** No other questions.

6 **THE COURT:** Any redirect?

7 **MS. PRYOR:** Yes, just one.

8 REDIRECT EXAMINATION

9 **BY MS. PRYOR**

10 Q Did -- we've mentioned about the sexual offense program.  
11 Was there a workbook that was provided to Mr. Hill?

12 A To my knowledge, there was, and he completed it very  
13 quickly, which the workbook, as it's been explained to me, it  
14 takes quite some time to complete. There are numerous phases  
15 that you must go through, and it's not something that can be  
16 completed without presenting the material to the group and  
17 receiving feedback. It's not something that can be completed  
18 in a couple of weeks or even a month.

19 Q Okay. And every time that Mr. Hill has went out, Mr. Hill  
20 does inform you that he is traveling, or any of that nature;  
21 correct?

22 A Yes, ma'am.

23 **MS. PRYOR:** Thank you. No further questions, Your  
24 Honor.

25 **THE COURT:** You may step down, sir.

1 (At 4:37 p.m., witness excused.)

2 **THE COURT:** Any other evidence for the Defendant?

3 **MS. PRYOR:** Yes, Your Honor.

4 **THE COURT:** All right.

5 **MS. PRYOR:** I call Ms. Roberta Hill, Your Honor.

6 **ROBERTA HILL,** DEFENDANT'S WITNESS, being first duly sworn,  
7 testified as follows at 4:37 p.m.:

8 DIRECT EXAMINATION

9 **BY MS. PRYOR**

10 Q Can you tell us your name for the record.

11 A Roberta Ruth Hill.

12 Q And what is your relationship with Mr. Brian Hill?

13 A I'm his mother.

14 Q Okay. And where does Mr. Hill stay in comparison to where  
15 you stay?

16 A In the apartment below my apartment at 310 Forest Street,  
17 Apartment 2.

18 Q And so is this a type of duplex type of home?

19 A Yeah, it is.

20 Q Okay. And so do you work during the daytime?

21 A No. I'm at home, and I can check on him any time during  
22 the day and night.

23 Q Okay. And so at one time, you guys were having some  
24 issues in the same home that Mr. Hill lives in dealing with the  
25 chimney; correct?

1 A Yes. There was damage in his apartment with water damage  
2 on his wall and ceiling in his living room.

3 Q Did you call someone to get that fixed?

4 A Yeah, I did.

5 Q Do you recall what the name of that company was that you  
6 called to get that fixed?

7 A No, I can't recall the name of the company.

8 Q Do you recall how much you paid for getting it fixed,  
9 getting the chimney fixed?

10 A They put -- he found out that it had been -- are you  
11 talking about the first time before --

12 Q Yes, I'm talking about the first time that you got your  
13 home --

14 A Yeah, that was \$300 to get it fixed. I was trying to keep  
15 birds from going into the chimney.

16 Q Okay. And so you had a professional come out to get that  
17 fixed?

18 A Yes.

19 Q And was there an occasion that you had that same  
20 professional come back out to review it because of some issues  
21 that you stated?

22 A Yeah, there was another fireplace company that came out to  
23 take a look at it in January 30 of 2019.

24 Q Okay. And when they came out to fix it, did they tell you  
25 of anything that might have been happening in the home at the



1 time?

2 A Yeah, he said that he found out that all three flues of  
3 the chimney had been completely sealed off, and that means that  
4 my furnace and hot water heater was venting out through our  
5 apartments into -- he said that we would have had carbon  
6 monoxide coming into our apartments.

7 Q Okay. And do you recall what date that you had that  
8 particular professional come out and say that?

9 A January 30, 2019.

10 Q Okay. And Mr. Hill was -- and you do recall that Mr. Hill  
11 was arrested for indecent exposure in Martinsville, Virginia?

12 A Yes.

13 Q Okay. And do you recall what that date was?

14 A September 21, 2018.

15 Q Okay. Did Mr. Hill -- and do you recall Mr. Hill having a  
16 trial in Martinsville, Virginia?

17 A Uh-huh.

18 Q And were you present for that trial?

19 A Not the first trial. I was present for the trial in  
20 December, December 21, I think.

21 Q Okay. Did he get a chance to come home?

22 A No, he did not.

23 Q Okay. And do you recall the first time that Mr. Hill got  
24 a chance to come home after that particular -- after the first  
25 time he was arrested?

1 A He came home on May 14, 2019.

2 Q Okay. And did Mr. Hill -- do you recall if Mr. Hill went  
3 to the doctor any time in between that time?

4 A Yeah, he fell down one night. I guess he passed out and  
5 hit his head on a desk in his office and managed to somehow get  
6 back to his bedroom and fall asleep and whenever -- I set my  
7 alarm at 4:30 in the morning to check on him, check his blood  
8 sugar. I went down there. I saw all the blood on the pillow  
9 and realized something had happened, checked his blood sugar,  
10 treated an insulin reaction, and then I called 911 because I  
11 didn't know what had happened to him, and I saw that there was  
12 a gash above his eye. So the paramedics came out. They  
13 recommended for him to go to the hospital. He refused to go in  
14 the ambulance. So it took four hours for him to go through his  
15 OCD routines before I could get him to the emergency room.

16 Q Do you recall when that occurred, about the date when that  
17 occurred?

18 A That was during the winter, right after I first got the  
19 chimney fixed to keep birds from going into the chimney. It  
20 happened right after that.

21 Q Okay. And you stated that it took about four hours for  
22 you to get him to the hospital. I believe you mentioned OCD?

23 A Yeah, he has obsessive-compulsive disorder, and he does  
24 lengthy hand-washing routines and shower routines.

25 Q Okay. And how long has he been doing that?

1 A He's been doing that since he was in 6th grade.

2 Q Okay. And is Mr. -- has Mr. Hill been diagnosed with  
3 autism?

4 A Yes.

5 Q When was he diagnosed with autism?

6 A When he was four years old, he was diagnosed by Teacch in  
7 Greensboro.

8 Q And does he have -- and based on him being diagnosed with  
9 autism, do you have difficulty communicating with him?

10 A Yeah.

11 Q And what do you -- tell the -- can you tell the Court what  
12 that means for you and your family?

13 A Yeah, communication problems. Sometimes when I try to  
14 explain something to him, he doesn't quite understand what I'm  
15 saying, or he's unable to see my perspective, and sometimes he  
16 will get a little upset about it, which isn't unusual for  
17 people with autism. So I have to further explain things, or I  
18 have to be quiet and let him cool down --

19 Q Okay.

20 A -- before I can talk to him.

21 Q Does he get treatment for autism?

22 A No. There really -- when he was a kid, he was put on two  
23 or three different medications that never really helped him.  
24 So we had -- Teacch was coming out to help a little bit with  
25 the school, but other than that --

1 Q Does he get any treatment now for any mental health or  
2 autism now?

3 A No, not for the autism. He is going to a counselor.

4 Q Okay. And what does he go to the counselor for?

5 A He goes to Piedmont Counseling a couple times a month  
6 because that's what they wanted -- a condition of his bond.

7 Q And does he -- is he taking any medication at this time?

8 A Yeah, he's taking a medication to help with the OCD and  
9 anxiety. I think it's called Zoloft. I'm not sure.

10 Q Okay. That's okay.

11 And as far as -- you mentioned carbon monoxide. Is he  
12 taking any -- do you recall if he took any medication for the  
13 carbon monoxide treatment?

14 A No, no, he didn't. We didn't know until four months after  
15 he was arrested that we had carbon monoxide in our home.

16 Q Okay. And once you found out that you had carbon monoxide  
17 in your home, have that been treated in your home at this time?

18 A Yeah, we got it fixed. He unplugged the flue that went to  
19 the heater and the hot water heater, and he put a chimney cap  
20 on the top. So we don't have any more problems with that.  
21 And, plus, we got two carbon monoxide detectors in my apartment  
22 and in his apartment.

23 Q Okay.

24 **MS. PRYOR:** I have no further questions, Your Honor.

25 **THE COURT:** Any examination from the Government?

1                   **MR. RAMASWAMY:** Yes, Your Honor.

2                                   CROSS-EXAMINATION

3 **BY MR. RAMASWAMY**

4 Q     Ms. Hill, you're pretty familiar with your son's case;  
5 correct?

6 A     Yes.

7 Q     He files things pretty frequently with the court?

8 A     Yes.

9 Q     Do you assist him with that?

10 A    No. That's his -- I'm not even into legal stuff. He's  
11 the one that works the legal information, other than I might  
12 look up information for him.

13 Q    You're saying you don't read what he files?

14 A    Sometimes, not all the time because sometimes he's  
15 impulsive, and he does it in the middle of night when I'm  
16 sleeping, so, no.

17 Q    Well, if he's filing things in the middle of the night,  
18 does he have Internet access?

19 A    No, he does not. He faxes.

20 Q    He faxes them?

21 A    Uh-huh.

22 Q    Some of these things are -- they're filed online, though,  
23 aren't they?

24 A    No.

25 Q    Are you familiar with his story that someone forced him to

1 take these pictures?

2 A Yes, I am.

3 Q That's a story that he repeated for some time, wasn't it?

4 A Yes.

5 Q And it's also in documents that he filed with the court,  
6 isn't it?

7 A Yes.

8 Q And at some other time, we have his story that carbon  
9 monoxide was to blame; correct?

10 A Right.

11 Q Does that coincide about when Mr. Hill found out there was  
12 a probation report on the same memory card?

13 A I don't know.

14 Q You live in the same house with Mr. Hill; correct?

15 A I'm in the apartment above his apartment.

16 Q It's a house?

17 A Yes, connected.

18 Q Yes. You live in the same house with Mr. Hill; correct?

19 A Yes.

20 Q And you claim -- or you're stating there was some type of  
21 carbon monoxide problem for which you're trying to relate  
22 Mr. Hill's conduct on September 21, 2018; right?

23 A Right. I saw some things with his behavior prior to that  
24 time, that I didn't know what was going on, but I thought that  
25 he was acting oddly. But, also, I was being exposed, too, and

1 I had some problems that I was dealing with, and I didn't  
2 understand what was going on.

3 Q So this wasn't fixed until, I believe you said,  
4 January 30, 2019; correct?

5 A That's whenever it was inspected and we found out about  
6 the problem, and he removed the tin, yes.

7 Q So from September 21, 2018, to January 30, 2019, if you  
8 had such a problem, nothing was done to fix it; right?

9 A Right.

10 **MR. RAMASWAMY:** No other questions.

11 **MS. PRYOR:** Just a follow-up.

12 REDIRECT EXAMINATION

13 **BY MS. PRYOR**

14 Q So from September of 21, 2019 -- I mean, 2018, to, I  
15 believe you said, January of 30 of 2019, did you see some  
16 problems in your home that was happening?

17 A Yeah. The water damage in my son's apartment got  
18 increasingly worse. The ceiling started falling down. I  
19 didn't know what was going on because my apartment is right  
20 above his, and I wasn't getting any water damage. So I thought  
21 initially it has to be the foundation. So I called the  
22 foundation place, and they could only come three months later.  
23 So I waited for that, and they said it's not the foundation.  
24 They thought maybe it's the chimney or the roof. I got a  
25 roofing company in. They recommended putting a chimney cricket

1 in front of the chimney. They thought that would stop it. So  
2 I got that done. That didn't stop it. So then I called a  
3 fireplace expert out to take a look at it, and he found out  
4 that it had been sealed up.

5 Q And also -- you mentioned that there was also some things  
6 that were affecting Mr. Hill during that time that you couldn't  
7 figure out. Can you describe some of those things for the  
8 Court?

9 A He was saying that he couldn't think, he couldn't focus,  
10 and he was extremely tired. I also was extremely tired, and I  
11 didn't know why. I was complaining to my parents. So both of  
12 us were complaining about things like not being able to think  
13 clearly.

14 Q Okay.

15 **MS. PRYOR:** No further questions, Your Honor.

16 **MR. RAMASWAMY:** One follow-up.

17 **REXCROSS-EXAMINATION**

18 **BY MR. RAMASWAMY**

19 Q Would those things happen more often when you were inside  
20 the home with the carbon monoxide?

21 A Yes.

22 Q You've heard the testimony about the conduct; correct?

23 A Yes.

24 Q That happened outside, didn't it?

25 A Yes, but, I mean, I was always tired for that period of



1 time. So, I mean -- and my son was constantly complaining  
2 about not being able to think. I can't really say that that  
3 was inside the house or outside the house. It was just  
4 continually during that time span that we were having problems.

5 Q As a matter of fact, the testimony showed, based on the  
6 camera card time, he was outside for several hours on  
7 September 21, doesn't it?

8 A Yeah.

9 Q That's not consistent with inhaling carbon monoxide, is  
10 it?

11 A Well, from what I've read online, it can cause a lot of  
12 different problems. That can -- it could affect your  
13 neurological system. I also was having a lot of head shaking  
14 going on. My parents noticed that. So it can affect  
15 neurological problems in the body.

16 **MR. RAMASWAMY:** No other questions.

17 **THE COURT:** All right. You may step down.

18 (At 4:51 p.m., witness excused.)

19 **MS. PRYOR:** No further evidence, Your Honor.

20 **THE COURT:** Since the Government's got the burden  
21 here, I would be happy to hear from the Government.

22 **MR. RAMASWAMY:** Your Honor, in this case, the  
23 violation is the Defendant committed the criminal violation of  
24 the Virginia Code for indecent exposure. I have given the  
25 Court the statute, but, here, if it had only been the phone

1 call and the arrest, that's one thing, but we have a series of  
2 photographs which are just plainly inexplicable.

3 As to the violation itself --

4 **THE COURT:** Let me ask a question about the  
5 photographs. They are taken from a distance. How does  
6 somebody take a photograph from a distance like that?

7 **MR. RAMASWAMY:** I would ask the Court to note a  
8 couple of things. One is the officer's testimony about  
9 flashlights. He had two flashlights. And, second, in the  
10 vantage point of the photographs themselves, note the proximity  
11 of the ground, and it would be our contention the camera is  
12 simply set on the ground and a timer is used. As a matter of  
13 fact, some of them appear to be retakes. Where Government's  
14 Exhibit 1, for instance, the top right photo, sanyo096, is too  
15 dark, the next photograph in sequence sanyo097 is well lit. In  
16 effect, it supports the inference that he repositioned the  
17 lights in order to more clearly take the photographs.

18 There's no one else depicted in these photographs.  
19 In every one of them, they appear to be taken with the camera  
20 set on the ground.

21 **THE COURT:** All right.

22 **MR. RAMASWAMY:** In this case, as to the conduct  
23 itself -- I'm not at this point addressing anything else -- two  
24 things. His initial story is clearly impossible, that someone  
25 gave him a camera and told him to take these pictures under

1 threat of his family, the fact that his violation -- his report  
2 to his probation officer is found on the same memory card with  
3 him being shown as the author, the conduct for a registered sex  
4 offender convicted of child pornography offenses to be naked,  
5 not just exposing himself -- this would be a different matter  
6 if Mr. Hill had simply been walking and chose to relieve  
7 himself and could have technically violated the statute, but  
8 Mr. Hill was wearing socks, sandals, and a hat, and that's all.

9           As shown on Government's Exhibit 7, the map with the  
10 annotations, the photographs are taken some distance away, not  
11 only from his residence, but where he was observed and reported  
12 to the police naked and where he's arrested, that the duration  
13 of the conduct, the nature of the conduct, photographing the  
14 conduct for whatever reason all support the violation. We  
15 would ask that he be found in violation.

16           **THE COURT:** All right.

17           Ms. Pryor?

18           **MS. PRYOR:** Thank you, Your Honor.

19           Your Honor, we, of course, would ask that he does not  
20 be found in violation, Your Honor. As you've had the  
21 opportunity to hear, Your Honor, the statute does indeed state  
22 that every person who intentionally makes an obscene display or  
23 exposure of his person shall be found guilty of a Class 1  
24 misdemeanor.

25           Your Honor, I believe that we presented evidence here

1 today that would discredit the intent of the party, or the  
2 intent of Mr. Hill. One of the elements that we are faced here  
3 with is the intent element here. Your Honor, I believe that  
4 the Government, one, has not provided the intent and, two, that  
5 this Court has the opportunity to determine the facts that were  
6 presented today to determine whether the intention of the party  
7 was to make an obscene display or expose himself -- exposure of  
8 himself.

9           Your Honor, you had the opportunity to hear from his  
10 mother, who stated that at the time of this incident that there  
11 has been evidence that there was some carbon monoxide that had  
12 been displayed in their home, and based on that, Your Honor,  
13 she went further to state that in her research, Your Honor,  
14 when it comes to carbon monoxide, that based on that research,  
15 that it does causes some level of delusion, some level of --  
16 they even talked about -- she even discussed possibly that they  
17 were beginning to have some headaches, that there were some  
18 things that --

19           **THE COURT:** How do I rely on that in this hearing?  
20 That's hearsay, and it's --

21           **MS. PRYOR:** It is hearsay.

22           **THE COURT:** I mean, it's not -- it's scientific  
23 evidence, and there's no indication she's qualified to -- I  
24 don't even know what her source was, whether it was Wikipedia  
25 or what have you. So I am concerned about whether there's

1 enough scientific foundation for any conclusions about the  
2 effect of carbon monoxide.

3           **MS. PRYOR:** Your Honor, we do understand that, Your  
4 Honor, but the factual part of what she did state was the  
5 things that affected her, Your Honor, and the things that she  
6 did, who has been his caretaker -- the things she saw affect  
7 him.

8           So, Your Honor, we would state that there was some  
9 level of affect that was going on that can be determined just  
10 to Mr. Hill presently, Your Honor, that would show some level,  
11 and then to actually have the evidence that there was some  
12 carbon monoxide and to begin to start the process of fixing it.

13           So, Your Honor, we would state that Mr. Hill, based  
14 even on this -- based on this statute, that the intent factor  
15 has not been met here today, Your Honor, and that he should not  
16 be found in violation of his release conditions, Your Honor.

17           **THE COURT:** Okay. I am going to find that the  
18 preponderance of the evidence demonstrates that Mr. Hill did  
19 violate the condition of release by violating the Virginia Code  
20 18.2-387. As the officer testified, it's actually the local  
21 version, but it's apparently the same statute, and that's what  
22 he's charged with in that he did intentionally expose himself  
23 and make an intentional either obscene display and actually  
24 exposure -- intentional exposure of his person. The  
25 photographs are evidence of that.

1           He's also seen, by the officer's independent  
2 testimony, to have been naked at the time and was running  
3 around the neighborhood. So I credit the testimony of Sergeant  
4 Jones and find him to be credible and that about September 21,  
5 2018, that the Defendant was naked and running around  
6 Martinsville, Virginia, taking pictures, which are indicated in  
7 the Government's exhibits.

8           As to the testimony about intent -- or the argument  
9 about intent, the evidence on a preponderance basis  
10 demonstrates that Mr. Hill intended to do this. The story  
11 about him being forced to do this by another individual finds  
12 no support in the record. It's also inconsistent with some of  
13 the information that's testified to by Sergeant Jones, who -- I  
14 went back and was just checking his testimony, who did say that  
15 the other individual, the male, asked him to -- or demanded he  
16 take pictures. There's no testimony by anybody that there was  
17 any kind of threat like that made, and the camera that  
18 allegedly was given to Mr. Hill to take these photos, it  
19 strikes me as virtually impossible that it would contain a copy  
20 of the Defendant's own court records. So that's inconsistent  
21 with that story as well.

22           So I'm going to find the preponderance of the  
23 evidence demonstrates the Defendant violated Virginia law by  
24 indecently exposing himself at the time alleged. So I'm going  
25 to find as well that the violation was willful and without

1 lawful excuse.

2 He originally was convicted of a Class C felony.  
3 He's a Criminal History Category I. This is a Class C  
4 violation. The guidelines provide a 3- to 9-month advisory  
5 imprisonment range. The most that can be imposed on him is 24  
6 months.

7 As to supervised release, the original term of  
8 supervised release available under the statute is, I believe, 5  
9 years to life. He had had 10 years of supervised release  
10 imposed by Judge Osteen, but the term that's available could be  
11 5 years to life under the statute.

12 I will say it would be my intention to work off the  
13 10 years and work -- and consider nothing more than the 10  
14 years that Judge Osteen -- that's the maximum that I would  
15 consider for supervision. Does that make that clear?

16 **MS. PRYOR:** Thank you, Your Honor.

17 **THE COURT:** That would be my intention, but I would  
18 be glad to hear from you all as to that.

19 So do you agree or disagree that those are the proper  
20 guidelines?

21 **MS. PRYOR:** That was the proper guidelines, Your  
22 Honor.

23 **THE COURT:** Mr. Ramaswamy?

24 **MR. RAMASWAMY:** Yes, Your Honor.

25 **THE COURT:** So I've got about 10 minutes, and we can

1 continue this, if we need to, in the morning or on another  
2 date. I would be happy to hear from you as to an appropriate  
3 disposition in this case.

4 **MS. PRYOR:** Thank you so much, Your Honor.

5 Your Honor, today we are asking Your Honor -- I would  
6 note, and I think you heard on testimony as well, that Mr. Hill  
7 was on a federal detainer. I believe it began on December --  
8 we tried to come to a date about, but I believe it was around  
9 December 21 of 2018, and he was held into custody until May 14  
10 of '19. So, Your Honor, that's give or take about 6 months  
11 already.

12 This violation, as you note from the guidelines, Your  
13 Honor, is a -- falls within that period of time, Your Honor. I  
14 believe 6 months is, I believe, in the revocation that they  
15 were asking for. It was around the middle, which would put us  
16 right at that 6-month period.

17 Your Honor, we would ask that you would give him  
18 credit for time served for that particular time, to continue  
19 him on supervised probation that you've -- I mean, I'm sorry,  
20 supervised release, Your Honor, pending that, but, Your Honor,  
21 I do believe that he has served and he was -- as we can recall,  
22 he was on that detainer, Your Honor. He could not leave, of  
23 course, or if he even -- with the bond. So we can conclude  
24 that he definitely was on a federal detainer at that time. He  
25 did get released on conditions from the Virginia -- from



1 Virginia, and so that would also conclude that he did have that  
2 time and it was through the Federal Government.

3 **THE COURT:** Will the Bureau of Prisons give him  
4 credit for the time that he was sent to Butner as time-served  
5 credit or not?

6 **MS. PRYOR:** I'm not sure, Your Honor. I actually  
7 called the Bureau of Prisons before so I could know that  
8 answer. That was actually my question as well. Your Honor,  
9 I'm not sure how that process works, and I was waiting on  
10 someone to call me back from the Bureau of Prisons. And I  
11 believe the attorney was supposed to call me back in order to  
12 conclude that or give us an estimation of whether the Bureau  
13 does consider time when you're determining competency, whether  
14 that time is conclusive or does it even give them credit for  
15 that when it comes to a sentencing term.

16 So, Your Honor, I don't have that answer. I would  
17 like to, of course, get that answer, Your Honor, because as I'm  
18 standing here asking for you to use it as credit, I can't  
19 factually or be able to --

20 **THE COURT:** I understand.

21 **MS. PRYOR:** Okay. Thank you.

22 **THE COURT:** Anything further?

23 **MS. PRYOR:** So, Your Honor, I would ask -- of course,  
24 that is the sentence that they have requested, but, Your Honor,  
25 we would ask the Court for the bottom of the guidelines, Your

1 Honor.

2 I would remind the Court that he does have autism. I  
3 remind the Court that he has OCD. I remind the Court that he  
4 does have some debilitating health issues that he does have  
5 that deals with his diabetes.

6 Your Honor, Mr. Hill in custody or in prison is very  
7 destruction to him as a person, who does see things and  
8 perceive things, of course, differently than we do as being on  
9 the autism spectrum.

10 **THE COURT:** Is he still in custody now?

11 **MS. PRYOR:** He is not in custody now.

12 **THE COURT:** He was released May 14?

13 **MS. PRYOR:** He was, Your Honor.

14 **THE COURT:** From Butner?

15 **MS. PRYOR:** No, he was released from court, Your  
16 Honor. He actually got out of Butner I believe it was around  
17 February, and then he was -- then he went back to court, and  
18 then he was released on conditions.

19 **THE COURT:** So he was released from Butner in  
20 February?

21 **MS. PRYOR:** He was released from Butner in February.  
22 They sent him to another custody situation, I guess, just in  
23 the process, and some things -- and this is why I bring this  
24 up, too. Because of his autism, he has some issues in the jail  
25 with one of the wards, and they were supposed to send him back

1 directly after, but they put him in some level of solitary in  
2 another jail.

3 All in all, he didn't get back, of course, until  
4 May 14, and so that's why I stand here and ask for the credit,  
5 because I would hope that the Court would -- and I say that  
6 because we do understand that you've made that he has violated  
7 this, and based on that, there is a punishment that must go  
8 with it; but, Your Honor, I would state because of his  
9 condition and because of OCD and because of autism, the courts  
10 and BOP, having to learn to deal with someone with autism, I  
11 don't believe that they are there yet, which makes it difficult  
12 on the person. And because of -- you know, because of that,  
13 Your Honor, I would ask that if you do find that you want to  
14 sentence him, there are some other alternative ways of  
15 sentencing him. He's been successful, as you heard from his  
16 probation officer, being at home, home detention where he  
17 cannot leave --

18 **THE COURT:** Before you go on further, let me just see  
19 what the Government's position is, but I don't know if they're  
20 opposing. He's essentially been incarcerated now for close to  
21 6 months, in some form or another.

22 Are you opposing some kind of sentence that would be  
23 in effect a time-served sentence?

24 **MR. RAMASWAMY:** Yes, Your Honor.

25 **THE COURT:** Okay.

1           **MS. PRYOR:** And so, Your Honor, there are some other  
2 alternative ways of doing prison -- or doing punishment. As  
3 you heard, Mr. Hill has been successful with being at home. He  
4 can be placed on home detention. He can have an electronic  
5 monitor. He can be placed on home detention for up to 6  
6 months, even up to a year, if Your Honor so requires.

7           Him being at home, he has the opportunity to -- I  
8 mean, he won't have the opportunity to leave. His family does  
9 travel, and they do enjoy traveling. He won't have the  
10 opportunity to travel, some of the things that he takes -- some  
11 of the things that he enjoys doing.

12           Your Honor can also make it any other conditions  
13 that, of course, Your Honor would provide, but, Your Honor, I  
14 would ask because of what he -- because he's been successful  
15 through his probation of showing that he is consistent about  
16 sending his report, he's consistent about contacting them, he's  
17 consistent about making sure that they know where he is at all  
18 times, he's consistent about being respectful to the officer,  
19 so I would state that having him at home with his family and  
20 even if -- like I say, even if it's more closed in where he  
21 cannot leave the home I think would still satisfy the  
22 punishment that is here.

23           As you heard, he does -- I believe they stated that  
24 he walks that trail even during the daytime. So he does enjoy  
25 going outdoors. So having the -- where the Court would tell

1 him he could not go outdoors anymore is a punishment as well.

2           So, Your Honor, I do believe that you can satisfy the  
3 factors here of the condition of him being at home on  
4 detention. Whether 6 months to a year, you can satisfy the  
5 condition of whether it would be a deterrence because, as you  
6 note, Mr. Hill does like to travel with his family. So that is  
7 the deterrence, that he won't be able to travel.

8           And being with his autism, his mindset and what he  
9 thinks is differently than what it is for us or any other  
10 prisoner that we could sentence to custody. His punishment is  
11 just the violation, being sentenced to -- him being violated.  
12 That's the difference of the sentence that he gets here today.

13           So, Your Honor, I would just ask that you would  
14 consider those other alternative ways of punishment today and  
15 that you would sentence him within the guidelines but through  
16 alternatives ways of doing it.

17           **THE COURT:** All right.

18           **MS. PRYOR:** Thank you.

19           **THE COURT:** All right. Mr. Ramaswamy?

20           **MR. RAMASWAMY:** Your Honor, I don't wish to  
21 prolong -- I don't wish to speak so long that the Court is  
22 going to miss any deadlines.

23           **THE COURT:** Well, how long do you want to speak?  
24 What is it the Government's arguing for?

25           **MR. RAMASWAMY:** I would first say that the Defendant

1 is a registered sex offender who spent at least three hours out  
2 that night naked, photographing himself for some unknown  
3 reason. And the Court has also heard testimony that there were  
4 other reports of a naked man in a stocking cap, and he's shown  
5 wearing a stocking cap prior to this, and that there were no  
6 such reports after Mr. Hill's arrest.

7           This is not Mr. Hill's first violation. He was not  
8 revoked last time, and I'm not saying that would have been  
9 appropriate; but on these facts, it is completely appropriate.  
10 The probation officer is recommending the high end here. Under  
11 the Chapter 7 limits and not going into Protect Act, I would  
12 concur with that. I would ask the Court to sentence him to the  
13 9 months. I don't know if whatever time he spent in the  
14 evaluation counts. I can't say.

15           **THE COURT:** Should I take that into account? I mean,  
16 he was essentially locked up for 6 months.

17           **MR. RAMASWAMY:** Yes. I'm not saying it's not  
18 appropriate that the Court take it into account, but I don't  
19 think simply telling Mr. Hill to stay at home and make him wear  
20 a monitor -- he's proven he can't self-regulate. He's  
21 consistently denied the offense conduct of the original  
22 offense, of the other violation. It's always some nefarious,  
23 outside force that makes Mr. Hill do things, now from someone  
24 handing him a camera until, here, carbon monoxide. Mr. Hill  
25 has consistently shown he doesn't take responsibility for what

1 he does, and he's inappropriate to trust in the form of  
2 self-regulation.

3 **THE COURT:** What role does his autism play in all of  
4 this?

5 **MR. RAMASWAMY:** I think we're all familiar with  
6 what's in the reports as to his mental state. More than the  
7 autism, there is the diagnosis of delusional disorder. That is  
8 in his prior records. I think the Court has dealt with persons  
9 with autism before, and that's a larger topic to get into than  
10 here. I think we've all been considerate. The Government, the  
11 Court, the Court in the original case, counsel has been  
12 considerate of the Defendant's mental condition, but on this  
13 conduct, there is an overriding concern of public safety.

14 Even at the high end of what's recommended, it's  
15 likely lower than someone without Mr. Hill's condition would  
16 have gotten on these facts.

17 **THE COURT:** So what's the punishment for this in  
18 Virginia? He's been convicted. What has he been sentenced to?  
19 Do you know?

20 **MR. RAMASWAMY:** I don't know what the original  
21 sentence was.

22 **THE COURT:** Ms. Pryor probably knows. What was his  
23 sentence?

24 **MS. PRYOR:** Your Honor, he was given credit for  
25 time -- he was given credit for time served. I believe it was

1 a 60-day sentence, Your Honor, because it's less than a year.

2 **THE COURT:** Okay. Was that in addition to the 6  
3 months he was in federal custody?

4 **MS. PRYOR:** No, that was not, Your Honor.

5 **THE COURT:** All right.

6 **MR. RAMASWAMY:** Thank you, Your Honor.

7 **THE COURT:** Mr. Hill, is there anything you would  
8 like to say on your own behalf before I make a decision as to a  
9 disposition of your case? Let me say to you that you have no  
10 obligation to speak. You enjoy the right to remain silent  
11 under our Constitution. If you wish to remain silent, I will  
12 not hold that against you. On the other hand, if you would  
13 like to say anything before I make a decision, this would be  
14 the right time.

15 **THE DEFENDANT:** Respectfully, yes, I do, Your Honor.  
16 I would like to bring up that I have been involved in a 2255  
17 motion since 2017. If I have to admit guilt to something I did  
18 not do, I would be committing over five acts of perjury. So am  
19 I going to be required by the probation office to commits acts  
20 of perjury, because I kept saying under penalty of perjury, I'm  
21 innocent? I filed something that the guilty plea cannot be  
22 valid if I withdrew it. The 2255 is still pending before  
23 this Court, and to force me to admit guilt to something I did  
24 not do is detrimental and puts me at risk of multiple perjury  
25 charges.



1           And the carbon monoxide -- I have a lot of proof,  
2 Your Honor. I've got sinus tachycardia. I've got abnormal red  
3 blood cell count, abnormal white blood cell count. All these  
4 are in medical records, and the National Institute of Health --  
5 my mom has documents from the National Institute of Health and  
6 government agencies saying that carbon monoxide can be linked  
7 to all kinds of problems that I had had last year, like  
8 psychosis and hallucinations. And I have credible government  
9 documents that all backs up everything I'm saying. That's why  
10 I sent a letter to Martinsville Police Department on the  
11 conduct, apologizing and saying that, look, carbon monoxide  
12 caused this.

13           There might be a guy in a hoodie. There was a  
14 threatening greeting card that my mother did receive that said  
15 they will do a controlled action against my mother if she  
16 doesn't stop putting stuff on YouTube. If she doesn't stop  
17 what she's doing, they're going to commit a controlled action  
18 against her. That was July 2018.

19           Your Honor, there's a lot more evidence that couldn't  
20 be presented at this hearing. We needed more time. That's why  
21 I filed the notice of interlocutory appeal. We would have had  
22 witnesses to come and testify. We need more time, and I need  
23 to go through the state appeal because I am actually innocent.  
24 According to my lawyer, Scott Albrecht, the public defender of  
25 Martinsville, he said, you are innocent because you did not

1 engage in obscene-type conduct. And that means, you know, I  
2 never masturbated. I never did anything sexual. I was just  
3 naked. So he said that I am legally innocent under the  
4 Commonwealth of Virginia. That's why I'm appealing it so that  
5 I could be found actually innocent, and I plan to file a motion  
6 for the writ of actual innocence in Virginia. Even though it's  
7 normally sent to -- you know, felonies, I'm going to try to  
8 push for it, and I'm going to ask the Attorney General to have  
9 me found actually innocent because I am actually innocent.

10 **THE COURT:** All right, sir.

11 Can I speak to the probation officers briefly,  
12 please?

13 (Off-the-record discussion.)

14 **THE COURT:** All right. I've already found by the  
15 preponderance of the evidence that the Defendant violated the  
16 valid conditions of his supervised release, and the violation  
17 was willful and without lawful excuse. I'm going to order that  
18 the supervised release term be revoked.

19 I've considered the factors under 3553(a) that apply  
20 under 3583(e) in this case, and one of the factors is the  
21 nature and circumstances of the offense. Here, the Defendant  
22 was exposing himself throughout the city of Martinsville, and  
23 the photos are part of the record in this case, which indicate  
24 how he exposed himself, which is proof of the exposure, which I  
25 found to be a violation of the indecent exposure law in

1 Virginia.

2 Another factor is the history and characteristics of  
3 the Defendant. I've considered the multiple factors here  
4 indicated, including the Defendant's autism and his OCD, the  
5 diabetes, his age.

6 And I'm concerned about deterrence because this is  
7 the second hearing we've had on revocation. The exposure in  
8 this case was intentional and purposeful. There's really no  
9 way to explain otherwise. He's running around naked, taking  
10 pictures of himself and posing for the pictures of his  
11 genitals, and he's doing it in the open in the public. How he  
12 would have thought he'd never have been caught by this is kind  
13 of hard to fathom, but maybe because it's 3:00 in the morning.

14 I'm trying to take into account and give heavy  
15 deference to the fact that I know he has autism. On the other  
16 hand, he's extremely articulate in his various filings with the  
17 court and his allocution. Mr. Hill is very capable of  
18 explaining things. It may not always be rational, but he's  
19 capable of explaining things. So I am trying to distance all  
20 of that.

21 In this case, I'm taking into account the fact that  
22 he's been in federal custody since December 21st.

23 **MS. PRYOR:** Yes, Your Honor.

24 **THE COURT:** I'm going to impose the 9 months. That's  
25 within the guideline range that the probation office has

1 recommended. That is the high end of the guidelines.

2 As a practical matter, that's, I think, 3 months from  
3 now, roughly 3 months from now, because I am anticipating that  
4 he should be getting credit for all of his time since  
5 December 21st because he's been in federal custody. Whether  
6 he's been at Butner being evaluated or wherever he was, he was  
7 in still in federal custody.

8 So my sentence of 9 months is under the understanding  
9 that he's getting credit for his time since December 21. It's  
10 also acknowledging that he's been in state custody before that  
11 and was punished in state custody, but the violations of  
12 supervised release, generally speaking, run consecutive to  
13 state punishment. And in this case, I think that's an  
14 appropriate punishment.

15 The willfulness of this violation is what still  
16 strikes me. Even though I know he's autistic and he has  
17 issues, it's hard to deny the willful, intentional conduct  
18 here.

19 So I'm going to order that Mr. Hill be committed to  
20 the custody of the United States Bureau of Prisons for 9  
21 months. As I've said, that's with the intention that that  
22 would essentially be running from December 21, 2018, to the  
23 present because he would be getting federal credit for that  
24 time.

25 I am going to reimpose 9 years of supervision in this

1 case under the same terms and conditions already disclosed in  
2 this case.

3 All right?

4 **MS. PRYOR:** Your Honor, I do have a question. If the  
5 attorney or -- once they do return my call, if they do not give  
6 him credit for that 5 months that he was in custody, is that  
7 still Your Honor's position?

8 **THE COURT:** No. My belief is he should get that  
9 credit. So my sentence is based on the understanding that he  
10 will be getting credit since then. What I guess I would tell  
11 you is it will take me a few days to get the judgment prepared.

12 **MS. PRYOR:** Yes, Your Honor.

13 **THE COURT:** I would encourage you to check with the  
14 Bureau of Prisons and be sure about that. If that's a problem,  
15 let me know, and under Rule 35, I think it is, I will regard  
16 that to be a mistake in fact.

17 **MS. PRYOR:** That's correct.

18 **THE COURT:** Unless there is an objection by the  
19 parties, I would consider making that change to reflect that.

20 **MS. PRYOR:** Thank you, sir.

21 **THE COURT:** Anything else? Have you had an  
22 opportunity speak -- oh, is he in custody now?

23 **MS. PRYOR:** He is not in custody, Your Honor.

24 **THE COURT:** He's been out of custody at the present  
25 time. Is this a case where he can self-report, and is there

1 any objection?

2           **MS. PRYOR:** Your Honor, that would be my request,  
3 Your Honor. His family did come all the way from Martinsville,  
4 Virginia, and the probation officer and him have a great, great  
5 relationship.

6           **THE COURT:** Let me ask: Is there any objection to  
7 self-reporting?

8           **MR. RAMASWAMY:** For the Government, I do oppose it,  
9 Your Honor. I understand Probation's position, if I'm not  
10 mistaken, is he be allowed to self-report.

11           **THE COURT:** What is the Probation's view?

12           **THE PROBATION OFFICER:** Your Honor, he's followed  
13 instructions thus far. I don't see why he wouldn't now.

14           **THE COURT:** Is he on location monitoring?

15           **THE PROBATION OFFICER:** No, sir, not at the present  
16 time.

17           **MS. PRYOR:** Your Honor, we have no objection to him  
18 being on location monitoring, but I would ask that he does  
19 self-report. He's never had an issue with Probation.

20           **THE COURT:** I'm -- given the myriad of factors in  
21 this case -- he's still living with his mother; right?

22           **MS. PRYOR:** He does.

23           **THE COURT:** I'm going to find he's not likely to flee  
24 or pose a danger to the community under circumstances where  
25 he's on GPS monitoring. So I'm going to add a condition to his

1 supervision that he be given GPS location monitoring, and he  
2 can self-report then.

3 Do I have a date, Ms. Engle?

4 **MS. PRYOR:** Your Honor, this might be a stretch to  
5 ask, but I believe his next court date is December 3. I was  
6 wondering, Your Honor -- it's really important to him that he  
7 be able to attend that hearing -- if it could be a date after  
8 December 3 to report.

9 **THE COURT:** Any objection?

10 **MR. RAMASWAMY:** Your Honor --

11 **THE COURT:** It's going to take Bureau of Prisons 6 or  
12 8 weeks at a minimum.

13 **MS. PRYOR:** It does, Your Honor.

14 **THE COURT:** So we'll be into November.

15 **MR. RAMASWAMY:** Given the conduct, the Government  
16 does not consent to that.

17 **THE COURT:** Okay.

18 **THE PROBATION OFFICER:** Your Honor, just as a matter  
19 of logistics, if he were to be released to location monitoring  
20 technology, that technology should be installed immediately.  
21 We would request a -- that the Court agree to a short delay of  
22 the installation of that, just given the logistics of him  
23 traveling back to the Western District of Virginia and the  
24 Western District of Virginia installing their equipment.

25 **THE COURT:** How many days would you like before?

1           **THE PROBATION OFFICER:** Your Honor, I think we can  
2 take care of that Monday.

3           **THE COURT:** So you can add that to the condition,  
4 that within 7 days that it be placed at the discretion of  
5 Probation. How about that? Does that work?

6           **THE PROBATION OFFICER:** Thank you, Your Honor.

7           **THE COURT:** All right. So as long as he's on  
8 location monitoring, I'll set it for Friday, December 6, noon,  
9 report to the U.S. Marshal in Greensboro, if he hasn't received  
10 a designation.

11           **THE PROBATION OFFICER:** I apologize, Your Honor.  
12 Just for further clarification, is that a home incarceration or  
13 a curfew? He would need to be placed under one of the three  
14 programs as well.

15           **THE COURT:** Is there a recommendation?

16           **THE CLERK:** Is it a revision? An order of release or  
17 a condition of his supervision?

18           **THE COURT:** Well, I don't know -- we'll figure out  
19 that in a minute.

20           **THE PROBATION OFFICER:** I would simply recommend at  
21 least a curfew. With GPS, you can order a curfew that's  
22 restrictive enough to monitor his whereabouts throughout the  
23 day.

24           **THE COURT:** Okay. That's a -- the case manager  
25 raised a good question. This is actually not a condition of



1 supervision. I think this is going to be a release condition  
2 so he can remain on his own. So the magistrate judge's order  
3 on release will be modified to add a condition for location  
4 monitoring. You think home -- a curfew is sufficient?

5 **THE PROBATION OFFICER:** Your Honor, I believe a  
6 curfew that's at the discretion of the probation officer would  
7 be --

8 **THE COURT:** I will add a curfew at the discretion of  
9 Probation. Probation is doing an excellent job of working with  
10 Mr. Hill. I just want to make sure that he's in at night.

11 **MS. PRYOR:** Yes, Your Honor.

12 **THE COURT:** All right. I don't want him running  
13 around naked anymore anywhere.

14 **MS. PRYOR:** Yes, Your Honor.

15 **THE COURT:** Does that address all those issues?

16 **MS. PRYOR:** It does, Your Honor.

17 **THE COURT:** Ms. Pryor, let me know right away if you  
18 hear otherwise.

19 **MS. PRYOR:** I will, yes, sir.

20 **THE COURT:** Because the judgment will be issued here  
21 shortly.

22 Have you had an opportunity to speak with Mr. Hill  
23 about any appellate rights he may have?

24 **MS. PRYOR:** I have, Your Honor. He would like to  
25 file his notice of appeal.

1           **THE COURT:** For the record, just so that I've advised  
2 him, make sure he's aware, if he does want to file a notice of  
3 appeal, he must do so in writing within 14 days of the entry of  
4 the Court's judgment. If he cannot afford the cost of his  
5 appeal, he can ask the Fourth Circuit to waive the cost.

6           If you want to file the notice of appeal -- I haven't  
7 entered a written judgment yet, but it only has to be entered  
8 within 14 days of the written judgment.

9           **MS. PRYOR:** I understand. Thank you, Your Honor.

10          **THE COURT:** Ms. Hill, please keep an eye on your son.  
11 I hope there won't be any problems between now and whenever he  
12 gets a reporting date so that we don't have any further issues.  
13 Okay.

14          **MS. PRYOR:** Thank you so much, Your Honor.

15          **THE COURT:** Good luck. I know it's a challenge.  
16 All right. Anything further?

17          **MR. RAMASWAMY:** No, Your Honor.

18          **THE COURT:** All right. Please adjourn Court.

19          (END OF PROCEEDINGS AT 5:35 P.M.)

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21                                   \*\*\*\*\*

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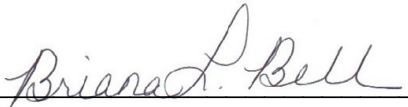
1 UNITED STATES DISTRICT COURT

2 MIDDLE DISTRICT OF NORTH CAROLINA

3 CERTIFICATE OF REPORTER

4  
5  
6 I, Briana L. Bell, Official Court Reporter, certify  
7 that the foregoing transcript is a true and correct transcript  
8 of the proceedings in the above-entitled matter.  
9

10 Dated this 4th day of November 2019.  
11

12  
13   
14 Briana L. Bell, RPR  
15 Official Court Reporter  
16  
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# **EXHIBIT 5**

## **for**

**EVIDENCE FOR  
MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL  
BASED UPON NEW EVIDENCE WHICH COULD NOT BE  
ADMISSIBLE AT THE TIME OF CONVICTION; NEW  
EVIDENCE OF SPOILIATION OF EVIDENCE COMMITTED BY  
COMMONWEALTH OF VIRGINIA; REQUEST FOR  
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,  
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING  
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA  
FOOTAGE AND IT IS LIKELY DESTROYED AND  
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON  
DAY OF CHARGE, ALSO LIKELY DESTROYED**

**Commonwealth of Virginia, City of Martinsville v. Brian David Hill  
CASE NO: CR19000009-00**

**Friday, February 11, 2022**



**JUSTICEFORUSWGO.WORDPRESS.COM**

**VIRGINIA: IN THE GENERAL DISTRICT COURT FOR THE CITY OF  
MARTINSVILLE**

**COMMONWEALTH OF VIRGINIA,** )

**v.** )

**CASE NO: C18-3138**

**BRIAN DAVID HILL,** )  
**Defendant.** )

**ORDER**

This case came this day to be heard upon the written motion of the Defendant, BRIAN DAVID HILL, by counsel, who moved, pursuant to Rule 7C:5 of the Rules of the Supreme Court of Virginia, that the Commonwealth's Attorney be directed to permit the Defendant discovery in this case, as set forth in said Rule, and

It appearing to the Court that discovery pursuant to Rule 7C:5 should be granted to the Defendant, it is hereby ORDERED and DECREED that the Commonwealth's Attorney permit counsel for the Defendant to inspect and copy or photograph, within a reasonable time, before the preliminary hearing, the following:

(1) Any relevant written or recorded statements or confessions made by the Defendant, or copies thereof, or the substance of any oral statements or confessions made by the Defendant to any law enforcement officer, the existence of which is known to the attorney for the Commonwealth;

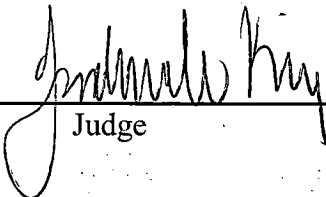
(2) A copy of any criminal record of the accused; and

(3) Any exculpatory information or evidence as set forth by *Brady v. Maryland* and its progeny that is known to the Commonwealth.

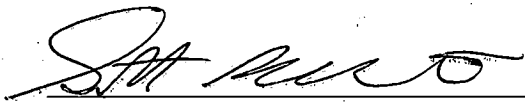
And it is further ADJUDGED, ORDERED and DECREED that the Commonwealth shall promptly notify counsel for the Defendant of the existence of any additional material

subsequently discovered which falls within the scope of this motion and make all such additional material available to the Defendant's attorney in accordance with the text and intention of this Motion.

ENTER this 28 day of November, 2018.

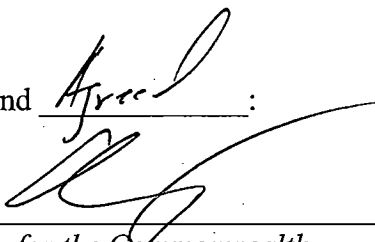
  
Judge

I ASK FOR THIS:



Scott Albrecht, Esq. (VSB #88411)  
Office of the Public Defender  
P.O. Drawer 31  
Martinsville, VA 24114  
T: (276) 666-2206 ext. 106  
F: (276) 666-8929  
salbrecht@mar.idc.virginia.gov  
Counsel for Defendant

SEEN and Agreed:



Attorney for the Commonwealth  
City of Martinsville, Virginia  
P.O. Box 1311  
Martinsville, VA 24112  
T: (276) 403-5470

Michael McPherson  
Retained for  
Bond Hearing  
10-12-18  
9:45a

RECEIVED  
DATE/TIME 11-28-18 11am  
BY D. Collins D. Clark  
MARTINSVILLE GENERAL DISTRICT COURT

# **EXHIBIT 6**

**for**

**EVIDENCE FOR  
MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL  
BASED UPON NEW EVIDENCE WHICH COULD NOT BE  
ADMISSIBLE AT THE TIME OF CONVICTION; NEW  
EVIDENCE OF SPOILIATION OF EVIDENCE COMMITTED BY  
COMMONWEALTH OF VIRGINIA; REQUEST FOR  
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,  
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING  
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA  
FOOTAGE AND IT IS LIKELY DESTROYED AND  
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON  
DAY OF CHARGE, ALSO LIKELY DESTROYED**

**Commonwealth of Virginia, City of Martinsville v. Brian David Hill  
CASE NO: CR19000009-00**

**Friday, February 11, 2022**



**JUSTICEFORUSWGO.WORDPRESS.COM**

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,  
Plaintiff

vs.

CR19-009

BRIAN DAVID HILL,  
Defendant.

ORDER REGARDING DISCOVERY

Came this day, the Defendant, Brian David Hill, by counsel, who moved, pursuant to Rule 3A:11 of the Rules of Court, that the Commonwealth's Attorney be directed to permit the Defendant discovery in this case, as set forth in the said Rule, and upon the motion of the attorney of the Commonwealth requesting reciprocal discovery under the said Rule; and,

It appearing to the Court that discovery pursuant to Rule 3A:11(b) should be granted to the Defendant, it is hereby ORDERED that the Commonwealth's Attorney permit counsel for the Defendant to inspect and copy or photograph, within a reasonable time, before the trial or sentencing, the following:

(1) Any relevant written or recorded statements or confessions made by the Defendant, or copies thereof, or the substance of any oral statements or confessions made by the Defendant to any law enforcement officer, the existence of which is known to the attorney for the Commonwealth, any certificates of analysis pursuant to §19.2-187, and any relevant written reports of autopsies, ballistic tests, fingerprint analyses, handwriting analyses, blood, urine, and breath tests, other scientific reports, and written reports of a physical or mental examination of the Defendant or the alleged victim made in connection with this particular case, or copies thereof, that are known by the Commonwealth's Attorney to be within the possession, custody, or



control of the Commonwealth.

(2) Any exculpatory information or evidence under the guidelines established by Brady v. Maryland, 373 U.S. 83 (1963), and subsequent case law, whether by way of statements, real evidence, scientific analysis, or reports, known to or in the possession of the Commonwealth.

(3) The Commonwealth shall promptly notify counsel for the Defendant of the existence of any additional material subsequently discovered (until the time of trial and at trial) which falls within the scope of this motion and make all such additional material available to the Defendant's attorney in accordance with the text and intention of this Motion.

It appearing to the Court that the motion for reciprocal discovery filed by the attorney for the Commonwealth pursuant to Rule 3A:11 should also be granted, it is hereby ORDERED that counsel for the Defendant permit the Commonwealth's Attorney to inspect, copy, or photograph, within a reasonable time, but not less than ten days before the trial or sentencing, any written reports of autopsy examinations, ballistic tests, fingerprints, blood, urine, and breath analyses, and other scientific tests that may be within the Defendant's possession, custody, or control and which the defense intends to proffer or introduce into evidence at the trial or sentencing:

It is further ORDERED that the Defendant disclose whether he or she intends to introduce evidence to establish an alibi, and, if so, to disclose the place at which he or she claims to have been at the time of the commission of the alleged offense.

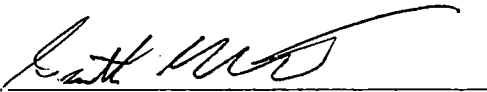
It is further ORDERED that if the Defendant intends to rely upon the defense of insanity or feeble-mindedness, the Defendant shall permit the Commonwealth to inspect, copy, or photograph any written reports of physical or mental examination of the Defendant made in connection with this particular case.

It is further ORDERED that the inspection and copying or photographing by the counsel for the Defendant shall take place at the office of the Commonwealth's Attorney at Martinsville, Virginia, or at some other mutually agreeable location, by appointment or at any convenient time during regular office hours, and that the inspection and copying or photographing by the attorney for the Commonwealth shall take place at the office of the counsel for the Defendant, or at some other mutually agreeable location, by appointment or at any convenient time during regular office hours.

ENTERED this 6<sup>th</sup> day of February, 2019.

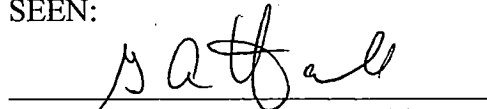
  
Judge

I ASK FOR THIS:



Scott Albrecht (VSB #88411)  
Office of the Public Defender  
P. O. Drawer 31  
Martinsville, VA 24114  
276-666-2206  
276-666-8929 (fax)  
salbrecht@mar.idc.virginia.gov

SEEN:

  
Counsel for the Commonwealth

# **EXHIBIT 7**

**for**

**EVIDENCE FOR  
MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL  
BASED UPON NEW EVIDENCE WHICH COULD NOT BE  
ADMISSIBLE AT THE TIME OF CONVICTION; NEW  
EVIDENCE OF SPOILIATION OF EVIDENCE COMMITTED BY  
COMMONWEALTH OF VIRGINIA; REQUEST FOR  
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BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON  
DAY OF CHARGE, ALSO LIKELY DESTROYED**

**Commonwealth of Virginia, City of Martinsville v. Brian David Hill  
CASE NO: CR19000009-00**

**Friday, February 11, 2022**



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VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,  
Plaintiff

vs.

CR19000009-00

BRIAN DAVID HILL,  
Defendant.

ORDER REGARDING DISCOVERY

Came this day, the Defendant, Brian David Hill, by counsel, who moved, pursuant to Rule 3A:11 of the Rules of Court, that the Commonwealth's Attorney be directed to permit the Defendant discovery in this case, as set forth in the said Rule, and upon the motion of the attorney of the Commonwealth requesting reciprocal discovery under the said Rule; and,

It appearing to the Court that discovery pursuant to Rule 3A:11(b) should be granted to the Defendant, it is hereby ORDERED that the Commonwealth's Attorney permit counsel for the Defendant to inspect and copy or photograph, within a reasonable time, before the trial or sentencing, the following:

(1) Any relevant written or recorded statements or confessions made by the Defendant, or copies thereof, or the substance of any oral statements or confessions made by the Defendant to any law enforcement officer, the existence of which is known to the attorney for the Commonwealth, any certificates of analysis pursuant to §19.2-187, and any relevant written reports of autopsies, ballistic tests, fingerprint analyses, handwriting analyses, blood, urine, and breath tests, other scientific reports, and written reports of a physical or mental examination of the Defendant or the alleged victim made in connection with this particular case, or copies thereof, that are known by the Commonwealth's Attorney to be within the possession, custody, or

control of the Commonwealth.

(2) Any exculpatory information or evidence under the guidelines established by Brady v. Maryland, 373 U.S. 83 (1963), and subsequent case law, whether by way of statements, real evidence, scientific analysis, or reports, known to or in the possession of the Commonwealth.

(3) The Commonwealth shall promptly notify counsel for the Defendant of the existence of any additional material subsequently discovered (until the time of trial and at trial) which falls within the scope of this motion and make all such additional material available to the Defendant's attorney in accordance with the text and intention of this Motion.

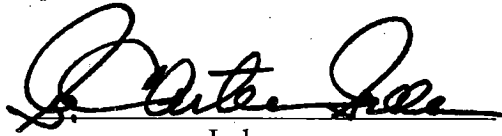
It appearing to the Court that the motion for reciprocal discovery filed by the attorney for the Commonwealth pursuant to Rule 3A:11 should also be granted, it is hereby ORDERED that counsel for the Defendant permit the Commonwealth's Attorney to inspect, copy, or photograph, within a reasonable time, but not less than ten days before the trial or sentencing, any written reports of autopsy examinations, ballistic tests, fingerprints, blood, urine, and breath analyses, and other scientific tests that may be within the Defendant's possession, custody, or control and which the defense intends to proffer or introduce into evidence at the trial or sentencing:

It is further ORDERED that the Defendant disclose whether he or she intends to introduce evidence to establish an alibi, and, if so, to disclose the place at which he or she claims to have been at the time of the commission of the alleged offense.

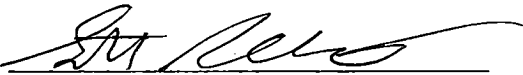
It is further ORDERED that if the Defendant intends to rely upon the defense of insanity or feeble-mindedness, the Defendant shall permit the Commonwealth to inspect, copy, or photograph any written reports of physical or mental examination of the Defendant made in connection with this particular case.

It is further ORDERED that the inspection and copying or photographing by the counsel for the Defendant shall take place at the office of the Commonwealth's Attorney at Martinsville, Virginia, or at some other mutually agreeable location, by appointment or at any convenient time during regular office hours, and that the inspection and copying or photographing by the attorney for the Commonwealth shall take place at the office of the counsel for the Defendant, or at some other mutually agreeable location, by appointment or at any convenient time during regular office hours.

ENTERED this 15<sup>th</sup> day of July, 2019.

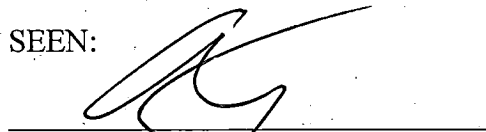
  
Judge

I ASK FOR THIS:



Scott Albrecht (VSB #88411)  
Office of the Public Defender  
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276-666-2206  
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salbrecht@mar.idc.virginia.gov

SEEN:

  
Counsel for the Commonwealth

# **EXHIBIT 8**

**for**

**EVIDENCE FOR  
MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL  
BASED UPON NEW EVIDENCE WHICH COULD NOT BE  
ADMISSIBLE AT THE TIME OF CONVICTION; NEW  
EVIDENCE OF SPOILIATION OF EVIDENCE COMMITTED BY  
COMMONWEALTH OF VIRGINIA; REQUEST FOR  
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,  
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING  
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA  
FOOTAGE AND IT IS LIKELY DESTROYED AND  
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## Body Cameras Proving Useful for Martinsville Police

by  
Wednesday, May 1st 2013



Martinsville, VA -- The Martinsville Police Department says a small device has been making a big difference in fighting crime.

About a year ago, they got 38 cameras that the officers wear. They received the cameras because of a grant from the Virginia Municipal League. And they say they have really proven

2018





Even on a very routine call, every word spoken and every movement taken will be captured



"Having this thing with us is like having someone with us whose memory is infallible," said Sgt. Chad Rhoads with the Martinsville Police Department.

Captain Eddie Cassidy calls the cameras "like another officer" watching out for his force.

"They have been very useful for us," said Cassidy.

For about a year, every Martinsville Police patrolling officer has worn one of these cameras. And for such a small device, it does a lot even capturing the sound of cars driving by in the distance.

"It helps clear up any disagreements. Anytime you talk to somebody, there are two different versions of what went on," said Rhodes.

And Rhoads explains, this camera shows the real version.

"It helps us investigate cases. It also helps us identify potential witnesses in other crime scenes too," said Cassidy.

In the past few months, it did something they didn't even expect. When a man accused officers of assaulting his wife, Cassidy says the cameras proved the accusations false.

"Once we viewed it we were able to consult with the Commonwealth's Attorney and place charges for filing a false report," said Cassidy.

Captain Cassidy says they have used the video as evidence in many cases throughout the year. So, they say it has really done its job.

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# **EXHIBIT 9**

**for**

**EVIDENCE FOR  
MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL  
BASED UPON NEW EVIDENCE WHICH COULD NOT BE  
ADMISSIBLE AT THE TIME OF CONVICTION; NEW  
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## **Interview and Interrogation of people with autism (including Asperger syndrome)**

By Dennis Debbaudt

Conducting on-scene interviews of victims, witnesses, and suspects, a routine event for patrol officers, allows the officer to gather basic information such as who, what, where, when, and why. The officer uses this information to assess situations and decide on further action.

An interrogation differs somewhat from basic fact-gathering since it tends to focus more on a subject who probably is suspected of a criminal act. Different techniques, rules, and procedures apply during an interrogation. A law enforcement professional may be trained in the techniques of interrogation, the rules that apply - such as when to advise suspects of their legal rights - and what procedures to use - such as the venue, environment, or comfort level of the suspect. An interrogation is conducted when there is reason to suspect that a person knows more about or was involved in committing a criminal act.

Whether it is a simple field interview, or a more focused interrogation, dealing with persons with autism presents unique challenges and considerations.

### **Misleading indications of guilt**

There will be occasions when first-responders refer a case involving a person with autism for further questioning. In most cases this will involve an individual who apparently communicates very well and has achieved a high level of independence in the community. The person may have been found at or been identified by others as being at the scene or possessing knowledge of a crime.

Higher-functioning or more independent individuals with autism may live alone or without constant supervision, be able to drive or use public transportation, hold a job, and enjoy leisure activities.

They may possess apparently normal verbal skills but be deficient in comprehension, social awareness, and decision-making. They may appear as quite normal at first, but the symptoms, behaviours, and characteristics - for example, providing blunt or tactless answers, changing the subject, or being unable to understand or accept a rational answer - will become apparent to the educated investigator. However, without an understanding of the disability it will be easy to misinterpret the information provided as an indicator of guilt.

They may provide no eye contact at all, even when a questioner shifts their position to obtain it. The person may have been taught to give eye contact but this may be perceived as insincere, glaring, or fixated. The interviewer may mistake this unusual eye contact as a tension-relieving technique used by a guilty person, when it is nothing more than a symptom of the condition of autism.

When stressed, communications skills may diminish or disappear. Answers may seem evasive or unconnected to the question that was asked. Individuals may appear belligerent, argumentative, stubborn, or inattentive - behaviour that may seem indicative of a person with something to hide.

They can easily become the object of increased scrutiny by the questioner. What started as a routine fact-gathering task may turn into an unnecessary interrogation because an officer, unfamiliar with the behaviours of ASDs may have had their law enforcement instincts rightfully aroused.

### **Possible traps when interrogating a person with autism**

Techniques used during Interrogations may include the use of trickery and deceit:

'Without some elements of "trickery", such as leading the suspect to believe that the police have some tangible or specific evidence of guilt, many interrogations will be totally ineffective' (Inbau and Reid 1967, p.196).

'Only one important qualification has been attached to the rule; the trickery or deceit must not be of such nature as to induce a false confession' (Inbau and Reid 1967, p.195).

The higher-functioning person through his or her responses, and the unaware interrogator through

their beliefs, may become unwitting accomplices to continuing a faulty investigation in the best case or, in the worst case, to extracting a false confession.

The following are some possible traps that interrogators can fall into when conducting the interrogation of a person with autism.

#### **Memory Skills**

Interrogators should understand that the person with autism may have highly developed memory skills. The person may have learned to commit facts or the statements of others to memory: This rote skill may allow him or her to quickly assimilate and regurgitate data. The individual may be more proficient in his or her expression of these facts than in comprehension of them. He or she may have developed a sophisticated form of echolalia, echoing and repeating the words of others. For example, the person with autism could memorize the allegations of a citizen overheard at the scene, facts inadvertently provided by a first-responding officer, and details of some of the circumstantial evidence that an interrogator has revealed during questioning. Under these circumstances, the person with autism could provide a very convincing untrue statement or false confession. At the least, this knowledge could be misconstrued as real familiarity of facts that only a guilty person could know.

#### **The Interrogator as Authority Figure**

Persons with autism may have been conditioned through their lifetime to look to authority figures to make many of life's important decisions for them. They have learned to depend on and trust these authority figures to be right. The interrogator may be viewed as another authority figure that is always right. 'If he thinks I robbed the bank, maybe he's right' is a conclusion that the confused person with autism may develop during an interrogation.

#### **Friendly-Unfriendly**

Persons with autism may have a hard time developing friends. They may seek the friendship of others, only to be continually disappointed. They may repeat social gaffes that others find repelling, and they may learn little from these friend-seeking experiences. Although they may not have learned how to make a friend, this will not stop them from trying.

The interrogation techniques of friendly-unfriendly interrogators have the potential to produce false confession from such persons. 'The friendly-unfriendly act is particularly appropriate in the interrogation of a subject who is politely apathetic - the person who just nods his head as though in agreement with the interrogator, but says nothing in response except possibly a denial of guilt' (Inbau and Reid 1967, p.64). The person with autism may involuntarily give an interrogator the impression that he or she is apathetic, and may deny guilt because he or she is innocent.

The friendly interrogator may convince the trusting individual that they are, truly, their friend. The person with autism has now just made a new friend, and 'if my friend wants to know about me robbing a bank, then I'll tell him just to keep him around.' Rather than telling the truth, the person will tell his or her 'friend' what he or she thinks they want to hear.

#### **Concrete Thinkers**

Persons with autism are concrete thinkers. Jokes, sarcasm, innuendo, satire, trickery and deceit are difficult concepts for them to understand and appreciate. Their world is unadorned with pretext, pretence, sham, and dishonesty. They are naturally guileless and very honest. They are not very able liars. They expect others to be honest and they can become confused or disappointed when they are not. We have learned that persons with autism may not have a complete understanding of what is expected of them, or the consequences of their actions. They may not understand how serious the consequences of the confession will be for them. They may be led to believe that lying is what is expected of them.

#### **Poor Liars**

An interrogator may seek an admission of lying about any part of the alleged offence. The person with autism may try to respond to this new friend or authority figure with what he or she believes is the reply that is wanted. The person may truly have made a mistake; to the interrogator, it was a lie.

When asked if he or she has ever thought about committing the offence in question, the honest-to-a-fault but innocent person with autism may answer 'Yes', as opposed to the characteristic answer of 'No' from an innocent person. While both persons only thought in passing about

committing such an offence, the 'normal' person would not consider answering yes. The concrete-thinking autistic person may answer the question as it is asked, causing the interrogator to continue the probe.

It is possible that the person with autism has learned through experience to lie. But her or his attempts to lie will be done poorly. An interrogator should ask a series of unrelated questions to determine the person's ability and potential for lying. This should be done prior to asking questions that are pertinent to the matter at hand.

#### **Tips for the interviewer/interrogator**

The interviewer must be specific in what information is sought by asking questions that avoid ambiguity. If the interviewer asks, 'Did you take the money?', the person with autism may say 'Yes' whether or not she or he actually took it. It would be clearer to ask, 'What did you do?' allowing for the individual to provide a response. If you ask, 'Were you with your family or John?' the autistic person may respond, 'John', because that was the last choice of the sequence. If the question was asked again but in reverse order, the autistic person may answer, 'My family,' for the same reason (Perske 1991).

A more specific question might be, 'Who were you with?' which reduces the influence of suggestion on the subject. Obtaining a false confession is a situation for which no conscientious law enforcement officer would want to be responsible.

Some other factors investigators may consider:

- Be sure the subject understands his or her legal rights.
- Saying yes is not the same as understanding them. To the concrete thinker 'waiving your right' may mean waving your right hand.
  - To avoid confusion, ask questions that rely on narrative responses.
- Asking yes or no question is an essential and important element of determining guilt. But consider asking a series of yes or no questions to determine the style and dependability of the response. Then ask the key yes or no questions.
- Seek the advice of a psychiatrist or psychologist who is familiar with autism. Consider contacting a specialist in autism from outside the criminal justice system.
- Seek the advice of a prosecutor. You have a job to do and want to perform it in the best way possible. With their unusual responses to your questions, the higher-functioning person with autism may challenge all of your training.
- Follow procedure, but also follow your gut instincts if you feel that something isn't 'quite right' with the subject of your investigation. Like the old adage, if the statement or confession is too good to be true, it probably is.

# **EXHIBIT 10**

**for**

**EVIDENCE FOR  
MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL  
BASED UPON NEW EVIDENCE WHICH COULD NOT BE  
ADMISSIBLE AT THE TIME OF CONVICTION; NEW  
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DIVISION FOR TREATMENT AND EDUCATION OF AUTISTIC  
AND RELATED COMMUNICATION HANDICAPPED CHILDREN

Department of Psychiatry  
University of North Carolina

D I A G N O S T I C E V A L U A T I O N

Patient: Brian Hill  
Chart #: 60373

D.O.B. 5-26-90

Center: High Point, NC  
Date: 10-19-94

Staff: Marquita Fair, Child Therapist  
Allison Butwinski, Parent Consultant  
Dr. Roger D. Cox, Licensed Practicing Psychologist and  
Clinical Director

TESTS ADMINISTERED:

Psychoeducational Profile-Revised (PEP-R)  
Vineland Adaptive Behavior Scale

REFERRAL INFORMATION:

Child's Name: Brian Hill  
Age: 4 years 5 months  
Address: 133 Mike Lane, Reidsville, NC 27320  
Parents: Roberta Hill  
Current Status: Lives at home with mother and is being served in  
a preschool developmental delayed classroom at Bethany  
Referral Source: Sheila Shelton  
Reason for Referral: Clarification of diagnosis and educational  
planning

DEVELOPMENTAL HISTORY:

Brian was born prematurely weighing 3 pounds, 13 1/2 ounces. He received phototherapy for hyperbilirubinemia and was discharged from the hospital at approximately 2 weeks of age. At 18 months, he was hospitalized for 6 days with the onset of insulin dependent Diabetes Mellitus. He currently is taking NPH insulin and Regular insulin and his diet is regulated according to the American Diabetic Association diet. At 35 months Brian was seen at the Greensboro DEC due to language delays. There were concerns regarding Brian's social relatedness and language development. It was felt that his neurodevelopmental profile may represent a form of a pervasive developmental disorder and a TEACCH referral was recommended.



Currently, Brian uses words and short phrases to express his needs. He exhibits pronoun reversals, immediate and delayed echolalia, and repeats some phrases he has heard over and over. He understands and follows simple routine commands but cannot use or answer "Wh" questions.

Though aware of others, Brian has difficulty interacting with them. He is beginning to show an interest in other children but does not initiate interactions. Brian's favorite activities include stacking blocks and listening to music. He recently has become more aware of his mother when she picks him up from school and sometimes greets her by saying "mommy". Brian occasionally becomes upset when he does not have his way and is prone to small episodes of temper tantrums.

#### FAMILY STATUS:

Brian lives at home with his mother, Roberta Hill in Reidsville. His mother and father are divorced and Brian does not have contact with his father. His maternal grandparents live nearby and he sees them frequently. During the evaluation, Roberta was very friendly and easy to talk to. She offered some very nice information about Brian.

#### EDUCATIONAL PLACEMENT:

Brian is currently being served in a preschool developmental delayed class at Bethany Preschool in Reidsville. Brian's teacher, Sheila Shelton, who attended the evaluation, felt that Brian had made very nice progress since his enrollment. She appeared flexible and willing to develop a program that considers Brian's individual needs.

#### DESCRIPTION OF CHILD:

Brian is a cute 4 year 4 month old boy. He was appropriately dressed in long pants and a long sleeved shirt. He was accompanied to the TEACCH Center by his mother, Roberta Hill.

#### BEHAVIORAL OBSERVATIONS DURING TESTING:

##### Relating, Cooperating, and Human Interest:

Brian, joined by his mother, accompanied the examiner to the testing room. He whimpered as his mother left the room. When offered a toy, Brian immediately settled down and showed a fleeting interest in the toys on a table. At the start of testing, Brian resisted joining the examiner at the work table. When he became upset, his language consisted largely of echolalia. Although he frequently whined when he did not get his way, he never actually cried. Brian's behavior was unpredictable when he attempted to engage in an activity. When materials were presented, Brian perseverated with them, making it difficult for him to relinquish materials when the task was completed. For example, Brian continued to fuss and ask for bubbles and play-doh

even when they were put away. He asked for the bubbles so often that they were eventually used as a reinforcer when he completed tasks.

Brian's attention to test items varied depending on his interest in the task. When he showed an interest in the items presented, he resisted putting them away. For example, Brian enjoyed doing puzzles, matching colors, and copying shapes. When he was instructed to put them away, he whined and said "do again, do again". Once he became familiar with placing the completed tasks in the "finished basket" it was easier for him to continue on to the next task. He showed limited interest in the kaliedoscope and counting which resulted in him placing incomplete tasks in the "finished basket". Brian was distracted by noises heard outside the door and in the observation booth, which made it difficult to redirect him back to tasks.

Brian was always aware of the examiner's presence. Eye contact was frequent and usually brief. He initiated social interaction by requesting the examiner to join him at the mini-trampoline and holding his hand. Brian appropriately asked for help and used gestures. He often asked for a "tissue please", returning the tissue to the examiner for disposal. He enjoyed being tickled, and although he did not ask for this activity to continue, he backed into the examiner with his arms stretched out as if to indicate that he wanted more.

#### Sensory Behavior:

Brian usually responded to his name by repeating it. He did not look at the examiner. He appropriately responded to various noisemakers. No unusual interests in taste or textures were noted during testing.

#### Play and Interest in Materials:

Although Brian often resisted sitting at the work table, he was able to focus on materials when they were presented. He was usually creative in how he used many of the materials. For example, when he used blocks, he made a three dimensional design twice and called them "pyramids". Another time he used the blocks to build "towers". As he identified letters, he told the examiner what each letter stood for; "G for goose", "A for apple", and "Y for yarn". When he used the scissors, he cut out shapes (rectangle and square) and identified them. Brian had his own agenda for completing the tasks. He became upset whenever the examiner suggested that he attempt a task differently.

Brian was most cooperative with tasks that involved writing, copying, matching, and coloring. He anxiously wrote his first and last name several times although not in sequential order. Brian copied shapes, focusing his attention on the examples presented when he was not sure how to draw a shape (triangle and diamond). Brian showed little interest in playing with puppets and pantomining object use.

During free play, Brian chose to jump on the mini-trampoline, play with a toy motorcycle with a man on it, and walk up and down the

wooden steps. When he realized the steps could be turned over to be a rocking boat, he asked for help to turn it over so he could use it alternately as steps and a boat. Several times, he stood near the door and asked for his mother. However, he was easily redirected back to a play activity.

#### Competence Motivation:

Brian quickly understood the routine of placing finished materials in the "finished basket" to his right. He often returned to the table if he forgot to put his completed tasks in the "finished basket". Organizing three tasks at a time on a table on Brian's left helped him understand how much work he had to do before he could leave the table to go play.

Brian often expressed pleasure with himself by smiling at the examiner and frequently saying "good job". Verbal praise from the examiner was also motivating to Brian.

#### Language:

Brian used language and gestures to communicate. At the start of testing, Brian's language consisted mostly of delayed and immediate echolalia. At times, his language was difficult to understand. He often commented during testing, but seldom directing his comments to the examiner. Brian asked questions such as, "can I blow?", "can I do bell again?", and "is this a birthday cake"? However, Brian had much more difficulty answering questions.

#### RESULTS AND SUMMARY OF THE PEP-R:

The Psychoeducational Profile-Revised (PEP-R) is a developmental test designed specifically for autistic and communication handicapped children. The child's performance is scored in several different function areas, and totalled to provide an overall developmental age score. Brian's overall score was 101, which resulted in an age equivalent of approximately 3 years 9 months.

On the PEP-R, Brian scored as follows:

<u>Function Area</u>	<u>Age Level</u>
Imitation	4 yrs. 6 mos.
Perception	4 yrs. 1 mo.
Fine Motor	3 yrs. 3 mos.
Gross Motor	3 yrs. 1 mo.
Eye Hand Integration	4 yrs. 7 mos.
Cognitive Performance	3 yrs. 3 mos.
Cognitive Verbal	3 yrs. 9 mos.
Developmental Score	3 yrs. 9 mos

When assessed with the PEP-R, Brian's test scores indicated relative weaknesses in the motor area and relative strengths in eye-hand integration.

Brian was able to receptively and expressively identify pictures in a language book, demonstrate the function of objects, sort cards, identify numbers, and sort objects. He had several emerging abilities, including identifying objects by touch, drawing a person, and copying a diamond.

DIAGNOSIS:

Autism - mild range

INTERPRETIVE CONFERENCE SUMMARY:

Attending Brian's interpretive conference were his mother, Roberta Hill, his preschool teacher, Sheila Shelton, and TEACCH staff, Allison Butwinski and Dr. Roger Cox. Results of the test administered were shared indicating Brian has many of the characteristics of mild autism. It is felt that Brian would benefit from a classroom with a small teacher to student ratio, individualized instruction, and autistic interventions.

RECOMMENDATIONS:

1. Brian would benefit from placement in a classroom with a small teacher to student ratio. The classroom environment should be free of distractions. A specific work area should be set up for Brian with a desk and boundaries to minimize distractions.
2. The classroom teacher should be experienced in autism, and have knowledge of structured teaching techniques. A three day training is being offered November 28-30 at the Gateway Education Center in Greensboro. The purpose of this training is to teach strategies that are typically successful in working with and teaching new skills to children with autism.
3. Brian should receive one-on-one teaching sessions 2-3 times a day to develop new skills. A teacher should sit across from Brian and present materials using the routine of working from left to right. Brian will place completed work to his right in a "finished basket". This will help him understand that what he has to do is in a basket to his left, how much work he has to do by the number of baskets with work in them, and he is finished when all the baskets are gone. He should be allowed breaks away from the table between tasks. It is important that Brian understand the contingency of working first and then receiving a break.
4. Brian's IEP should reflect the acknowledgement that he is a child diagnosed with autism. Specific strategies and teaching methods recommended by TEACCH should be addressed.

5. Brian's teacher for next year should be identified as early as possible in order that a request to attend TEACCH summer training for next year can be submitted.

*Marquita Fair*

Marquita Fair, Child Therapist

*Allison Butwinski*

Allison Butwinski, Parent Consultant

*Roger D. Cox, Ph.D.*

Roger D. Cox, Ph.D.  
Licensed Practicing Psychologist

# **EXHIBIT 11**

**for**

**EVIDENCE FOR  
MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL  
BASED UPON NEW EVIDENCE WHICH COULD NOT BE  
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CARILION CLINIC, FAMILY AND INTERNAL MEDICINE  
1107a Brookdale Street  
Martinsville VA 24112  
Phone: 276-670-3300  
Fax: 276-634-0379

5/16/2017

RE:  
Brian Hill  
310 Forest St Apt 2  
Martinsville VA 24112-4939

To Whom it May Concern:

This is to certify that Brian Hill is my patient since 11/2014. He has a diagnosis of diabetes, seizures, autism and obsessive compulsive disorder. One or more of these condition can limit his ability to be in social situation or among people and do work.

Please feel free to contact my office if you have any questions or concerns. Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Shyam E Balakrishnan', written over a horizontal line.

Shyam E Balakrishnan, MD



# **EXHIBIT 12**

## **for**

**EVIDENCE FOR  
MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL  
BASED UPON NEW EVIDENCE WHICH COULD NOT BE  
ADMISSIBLE AT THE TIME OF CONVICTION; NEW  
EVIDENCE OF SPOILIATION OF EVIDENCE COMMITTED BY  
COMMONWEALTH OF VIRGINIA; REQUEST FOR  
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,  
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING  
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA  
FOOTAGE AND IT IS LIKELY DESTROYED AND  
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON  
DAY OF CHARGE, ALSO LIKELY DESTROYED**

**Commonwealth of Virginia, City of Martinsville v. Brian David Hill  
CASE NO: CR19000009-00**

**Friday, February 11, 2022**



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BRIAN HILL (174826) [DOB: 5/26/1990]

X Close  Print

DIAGNOSIS			
Axis/Order	Axis 3/1	Diagnosis	(F42.9) Obsessive-compulsive disorder, unspecified
Axis/Order	Axis 3/2	Diagnosis	(F84.0) Autistic disorder
Axis/Order	Axis 3/3	Diagnosis	(F29) Unspecified psychosis not due to a substance or known physiological condition
Axis/Order	Axis 3/4	Diagnosis	(F41.1) Generalized anxiety disorder
WHODAS 2.0 General Disability			
	Assessment Date	General Raw Score	General Average Score
	Score description	Raw Score	Average Score
	Cognition		
	Mobility		
	Self-care		
	Getting along		
	Life activities		
	Participation		


**Piedmont Community Services**

 13 MOSS ST SOUTH  
 MARTINSVILLE, VA 24112

Client Name: <b>BRIAN HILL</b>	SSN/Acct # <b>591980319 / 174826</b>
Address: <b>310 FOREST ST APT 2 MARTINSVILLE VA 24112-4939</b>	Date/Time: <b>10/24/2018 9:51 AM to 10:23 AM</b>
Insurance:	Employee Name: <b>CONRAD DAUM / MD</b>
Diagnosis:	Visit Type/CPT <b>Med Note [Jail] / Nonbill</b>
DOB <b>5/26/1990</b>	
Notes: <b>Non-Face-to-Face Service</b>	

**HISTORY**
**Chief Complaint: Notes:**

"guy in hodie threatened to kill my mother if I didn't do what he said" "meltdown" He was arrested for walking down the street naked and charged with a probation violation.

**History of Present Illness (HPI): Notes:**

local is mental, quality he agreed to zyprexa and zoloft. severity moderate, duration 1st admit 2013 ONLY, time of tx start here 2013, context jail inmate. associated he was convicted for child porn and is on sex registry. He believes he was convicted unfairly by a conspiracy of the court officials. He believes Critical documents proving his innocence were deliberately destroyed. Modify is tx accepted, ill's see med hx.

**Past Medical / Family Medical / Social Hx: .**

LEGAL HX: He would only discuss the child pron and probation violation convictions.

PSYCH HX: He tried suicide, but no family hx, he denied wanting to harm self or others the past month. He denied any SUD or tobacco, Hx autism, OCD, GAD

MEDICAL HX: Diabetes, IBS, Eczema, op only wisdom teeth, no fx hx, hypoglycemic seizures, hx concussions during seizures.

FAMILY HX: 0 kids, 1/2 sisters=2, 0 brothers, mom living, dad hx unknown no hx of inpatient , SUD, jail. Hx Hypertension, ulcerative colitis,

SOCIAL HX: born Orlando FL, raised NC, some HS, single, no church, on disability, lives alone with caretaker's help.

**Review of Symptoms (ROS)**
**Constitutional: Notes:**

sleeping ok

**Eyes: Notes:**

see ok

**Ears, Nose, Mouth, Throat: Notes:**

hear ok

**Cardiovascular: Notes:**

no chest pain

**Respiratory: Notes:**

breathing ok

**Musculoskeletal: Notes:**

no LBP

**Integumentary (skin and/or breast): Notes:**

no tattoos

**Neurological: Notes:**

seizure hx and diabetic foot neuropathy

**Endocrine: Notes:**

diabetes

**Hematologic/Lymphatic: Notes:**

no nodes

**Allergic/Immunologic: Notes:**

allergy see list

**Genitourinary: Notes:**

bladder frequency

**Gastrointestinal: Notes:**

GERD SX, episodic diarrhea

**EXAM****Constitutional Vital Signs:****Musculoskeletal****Muscle strength and tone: Notes**

ok

**Gait and station: Notes**

ok

**Behavior****Appearance:** Well-groomed**Activity:** Normal**Attitude:** Cooperative**Articulation (Speech):** Normal Rate, Rhythm, Volume**Sensorium****Consciousness:** Alert**Orientation:** Full**Memory:** Intact**Attention/Concentration:** Adequate**Emotion****Affect:** Comfortable and Reactive**Mood:** Euthymic**Congruency:** Congruent**Suicidal Ideation:** None**Homicidal Ideation:** None**Thought****Thought Process:** Goal-directed**Thought Content:** Delusional**Intelligence:** Average

(based upon fund of knowledge, comprehension, and vocabulary)

**Insight:** Full**Judgement:** Intact**Perception:** Normal**Impression****Brief summary of present status of case:** Notes  
aims=0**DIAGNOSES****Current Diagnoses:****Effective Date :** 10/24/2018

1 (F42.9) Obsessive-compulsive disorder, unspecified

**Diagnosed By :** **Diagnosed Date :****Onset Date :** **Previous Onset Date :****Onset Prior to Admission:****R/O:** No**Notes:****Date Updated:** 03/21/2017**SNOMED:** -

2 (F84.0) Autistic disorder

**Diagnosed By :** **Diagnosed Date :****Onset Date :** **Previous Onset Date :****Onset Prior to Admission:****R/O:** No**Notes:****Date Updated:** 03/02/2016**SNOMED:** -

3 (F29) Unspecified psychosis not due to a substance or known physiological condition

**Diagnosed By :** **Diagnosed Date :****Onset Date :** **Previous Onset Date :****Onset Prior to Admission:****R/O:** No**Notes:**

Date Updated: 10/24/2018  
SNOMED: -

**4 (F41.1) Generalized anxiety disorder**

Diagnosed By :      Diagnosed Date :  
Onset Date :      Previous Onset Date :  
Onset Prior to Admission:  
R/O: No  
Notes: BRITTLE DIABETES  
Date Updated: 10/24/2018  
SNOMED: -

**WHODAS 2.0 General Disability      Assessment Date:**

Raw Score:      Avg Score:

Cognition:  
Mobility:  
Self-care:  
Getting along:  
Life activities:  
Participation:

**Psych Diagnoses & Status**

Diagnosis: all

Status: Stable

**Medical Diagnoses & Status**

**COLUMBIA ASSESSMENT**

**1) Wished to be Dead:**

Have you wished you were dead or wished you could go to sleep and not wake up?: No

**2) Suicidal Thoughts:**

Have you actually had any thoughts of killing yourself?: No

**6) Suicidal Behavior Question:**

Have you ever done anything, started to do anything, or prepared to do anything to end your life?: Yes

Was this within the past three months? (please explain): No

**SUMMARY**

Service Modality: Non-Face-to-Face Service

**Current Medications:**

Medication:insulin aspart U-100 100 unit/mL subcutaneous solution

Start Date:10/24/2018

Dosage:

Frequency:

Medication:olanzapine 2.5 mg tablet

Start Date:10/24/2018

Sig:Take 1 Caplet By Oral Route 1 time at bedtime for mood swings

Medication:sertraline 50 mg tablet

Start Date:10/24/2018

Sig:Take 1 Caplet By Oral Route 1 time after breakfast for anxiety

**Plan**

Medication Changes: .

Next Appointment: Date

pm

E/M Level: 5

E/M Score: 5

Employee Signature



10/24/18 2:51 PM  
CONRAD DAUM - MD  
MD



Supervisor's Signature

Approved by CDAUM on 10/24/18  
CONRAD DAUM, MD, MD

# **EXHIBIT 13**

**for**


**EVIDENCE FOR  
MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL  
BASED UPON NEW EVIDENCE WHICH COULD NOT BE  
ADMISSIBLE AT THE TIME OF CONVICTION; NEW  
EVIDENCE OF SPOILIATION OF EVIDENCE COMMITTED BY  
COMMONWEALTH OF VIRGINIA; REQUEST FOR  
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,  
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING  
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA  
FOOTAGE AND IT IS LIKELY DESTROYED AND  
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON  
DAY OF CHARGE, ALSO LIKELY DESTROYED**


**Commonwealth of Virginia, City of Martinsville v. Brian David Hill  
CASE NO: CR19000009-00**

**Friday, February 11, 2022**



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## Conrad Daum, MD

Psychiatrist

Radford, VA

Conrad Daum, MD is a Psychiatrist in Radford, VA. Conrad Daum completed their Residency at Wake Forest U Baptist Medical Center. Following their education, Conrad Daum was board certified by the American Board of Psychiatry.

Conrad Daum, MD does not participate in Zocdoc to offer online booking at this time.

## Other highly-rated Psychiatrists nearby



**Dr. Marwa Ghabra, MD**

Psychiatrist

★★★★★ (26)

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Psychiatrist

View profile



**Dr. Sahar Zaidi, MD**

Psychiatrist

★★★★★ (8)

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**Conrad Daum, MD**

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## Education and background

### Specialties

Psychiatrist

### Board certifications

American Board of Psychiatry Certification in Psychiatry

American Board of Addiction Psychiatry Certification in Addiction Psychiatry

American Board of Forensic Psychiatry Certification in Forensic Psychiatry

American Board of Geriatric Psychiatry Certification in Geriatric Psychiatry

### Education and training

University Of Kentucky College Of Medicine (Medical School)

Wake Forest U Baptist Medical Center (Residency)

NPI number ⓘ

## Conrad Daum's office location



401 W Main St  
Radford, VA 24141

## Find an in-network doctor and book online

Conrad Daum does not participate in Zocdoc to offer online booking at this time.

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# **EXHIBIT 14**

**for**

**EVIDENCE FOR  
MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL  
BASED UPON NEW EVIDENCE WHICH COULD NOT BE  
ADMISSIBLE AT THE TIME OF CONVICTION; NEW  
EVIDENCE OF SPOILIATION OF EVIDENCE COMMITTED BY  
COMMONWEALTH OF VIRGINIA; REQUEST FOR  
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,  
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING  
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA  
FOOTAGE AND IT IS LIKELY DESTROYED AND  
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON  
DAY OF CHARGE, ALSO LIKELY DESTROYED**

**Commonwealth of Virginia, City of Martinsville v. Brian David Hill  
CASE NO: CR19000009-00**

**Friday, February 11, 2022**



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EXHIBIT PAGE 154 OF 164  
IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
Durham Division

Brian David Hill,  
Petitioner  
v.  
United States of America,  
Respondent

Case #  
1:13-CR-435-1  
1:17-CV-1036



STATUS REPORT  
OF PETITIONER  
SEPTEMBER 27, 2018

I, Brian David Hill ("Brian D. Hill", "Petitioner") in this § 2255 case, acting pro se in this manner, files this status report and Declaration updating the court for this case. Because of the current situation described herein, Petitioner requests a court appointed lawyer.

DECLARATION

I, Brian D. Hill, produce these statements, subject to the penalties of perjury under U.S. Code:

(1.) I am currently in Martinsville City Jail over a local criminal case and situation where it must be disclosed to the habeas court over what actually happened. Petitioner believes it is connected over the matter concerning and effecting this § 2255 case.

1



(2.) ON SEPTEMBER 18<sup>th</sup> 2018, Somebody was in the ~~the~~ thicket at the end of my neighbor's property and branches moved ~~the~~ whenever I looked in that direction. I was around the period when I was mowing the grass between the time period of 1 to 4 PM. That was a Tuesday. Likely surveilling me.

(3) On September 19, 2018, Wednesday, I called into a political talk show after Sandra Wilson invited me to call into a Family Court issues type of show on Blog Talk Radio, by a I believe it was a woman named Valerie K. Lazarus (hope I spelled it right). Told her about the fraud on the court concerning this case. We also spoke about the Americans with Disabilities Act and the one woman said how if I ~~have~~ had an IEP when I was in school, then they (I assume she meant police) can (or may) get in trouble for violating the Americans with Disabilities Act the way it was handled in regards to my criminal case.

(4) On September 20, 2018, Thursday, some of my memories may have been blacked out. I was under an extreme amount of stress and anxiety already due to the pre-filing injunction Motion. My whole family could tell. My mom had also noticed that my doors were not being kept locked. I was psychologically afraid to sleep in my bed. Sometimes sleeping on the couch and I had a bad feeling something <sup>bad</sup> would happen to me.



I was able to go the Massanutten Resort from Monday to Thursday last week in Rockingham County, VA, in my district. I think it was between Sept. 10 through 13/2018 if I am correct from memory. My family noticed that I didn't want to go back home. As if something was terrifying in my psychological mind, and I haven't kept my door or doors locked. Around 11 I went walking beside the road on the sidewalk and as I was around a warehouse or some kind of building near or around the Martinsville, VA downtown area ~~area~~ near the hiking trail of "Dick and Willie", I was approached by a man in a hoodie, probably some time between 11 to 12 that night. I think maybe between 5 to 6 feet tall, maybe white told me "You ~~had~~ had better take your clothes off in public and take pictures of yourself and place the SD card around the bench ~~water~~ after the bridge..." or ~~they~~ they would kill my mom Roberta Hill". At one point I felt like I might collapse so I may have been drugged. I had to keep sitting on benches. I didn't want my mother to be killed. My weakness is my Mother. I gave a false confession in 2012 because of being told "You better fess up or else your mother would be held responsible." Whoever threatened me that night knew my weakness. If I walk to the police or don't do what that man said would my mom be shot full of holes while sleeping and killed?

be



I didn't know what to do. I kinda lost my mind when taking pictures of myself. If I didn't put on a good show would my mother be killed like the stuff in Hollywood action movies. I had a feeling it had something to do with the things brought up in my case. The threats from ~~torra~~ail.org messages which were successfully carried out. I knew I couldn't mess with these people, with a threat that serious. Out of fear and desperation I walked, were vehicles would see me with a hand gesture of my hand over my mouth. I was naked on the trail. I was trying to signal with that hand gesture that I was in trouble. I decided not to place the SD card at the bench, as how would they know? Maybe I could still go to the police and warn my mom. As I was walking back I saw a track with a spotlight on me with no way to tell who it was. I was scared so I ran and then noticed a red laser beam light like what private mercenaries, bad guys, and good guys all have. A light came on with a guy yelling at me. I didn't know who he was. I was scared it was them, going to kill me for not exactly following the hoatie guys directives. I ran, fell down the left side slope of the trail getting cuts and scrapes all over my body, until I fell in the ~~river~~ ~~bed~~ creek bed. They were down there and at that point I realized they were police.



I said over and over again while complying "I have Autism, I have Autism, I have Autism, I have Autism." I felt they couldn't hear me out. I said "I was attacked" told Sgt. R.D. Jones that I need to speak with a detective. It was probably around 3 to 4 AM at around Friday, September 21, 2018. He asked me why I was naked on the trail. I tried to explain to him as much of what happened as I could. He mistook my statement of heading towards the YMCA building with the warehouse and I told him "You don't understand Autism." maybe "are you trained in Autism?" Sgt. R.D. Jones said "how do I know you even have Autism?" I responded with Dennis Debbaut, a law enforcement trainer. He did a white paper. People with Autism can give false confessions and misleading statements. Officer you misunderstood what I said about the YMCA building." after or before my answer to his "how do I know you even have Autism?" was "it was in federal court records." He gave me that book where he didn't want to accept anything I said. He even said "If your lying to me, I will charge you with making (or filing) a false report." I looked at him straight in the eyes and said I am not lying, even told him something about "am I supposed to let my mother be killed" or something to that effect. He still wouldn't ~~even~~ accept what I had told him. I then told him "You don't understand Autism. You are violating title II of the Americans with Disabilities Act..."

5



I was being charged with "indecent exposure". I further told Sgt. R.D. Jones that I was going to win the jury trial and sue him for violating the ADA. Argument escalated to me saying to him "f\*ck You". At one point things cooled down and I was in a room with a Magistrate. She, the Magistrate, brought up about my federal criminal conviction and my 2015 probation violation. I explained to her that the case is under a habeas corpus 2255 review for my claim of "actual innocence" or something to that effect. She assumed that it was some kind of an appeal. Told her that the probation violation was over U.S. Probation Officer Kristy L. Burton making false statements, which is perjury and may have mentioned that Anand Prakash Ramaswamy committed subornation of perjury, gave her the federal case number. Also mentioned about fraud on the court. I was given no bond that day. Was charged in Martinsville General District Court, case no. C18-3138. It might be named as Commonwealth of Virginia v. Brian David Hill. At one point I told Sgt. Jones that "you are not doing anything about the drug dealers in my (or our) neighborhood" that the FBI are not doing anything about the threats, I don't trust the police.

(5) On September 26, 2018, I had filed a request form for the jail directing that it be forwarded to MPD Sgt. R.D. Jones with more statements incl. a Declaration as evidence.



I explained that witness Roberta Hill had received a threatening "greeting card" postmarked Tennessee. She received some point (or some time) this year. It had no return address. Gave the officer her phone number.

Then I said under Declaration on the back of that "Request for Interview" form that my first received formail.org ~~mess~~ message said that I was set up with child porn, that Alex Jones... and others were next. <sup>my friends</sup> (e)

(e)  
Some  
information  
omitted

I gave this federal criminal case number, cited Document #46 Declaration of Susan Basko. Then ~~told him a~~ told him in writing about the threatening message that was reported to J. Joy Strickland counsel to the N.C. Department of Justice. I explained that one part of the threatening email message said that I would be set up with violent sex crimes if I don't watch my back. If my mother being killed if I ~~didn't~~ didn't walked naked in public and take pictures, the "indecent exposure" charge may legally be defined as a "violent sex offense". The threats went from formail.org to being physical. I was set up with the violent sex crime of "indecent exposure" just like the 2013 formail threat said would happen.

While I am incarcerated my diabetic blood sugar reads are getting a lot of highs right now. In the 300's 400's, and 500's. I am suffering nerve pain, and other bad effects of high blood sugar.



The Court may request a copy of my September 26, 2018 filed "Request for interview" form from Martinsville, VA City Jail at P.O. Box 1326, Martinsville, VA 24112, or at 300 Clearview Drive, same city. That way that can expand the record for this § 2255 case.

(6) Petitioner requests that an attorney be appointed at this interval for his 2258 case since this incarceration is at a facility that:

(1) Has no law library. The Public Defender in Martinsville cannot represent me for this 2255 case;

(2) Paper and resources are highly limited as per Jail's "rules and regulations". Stamps and envelopes also limited. I won't be able to make valid pleadings compliant with this Court's rules while incarcerated and very limited access to resources needed for this case. I won't be able to properly cite court rules, case law, and statutes while incarcerated; or may

(3) While incarcerated I will not be able to bring up evidence if the habeas court requests;

(4) Be at a large disadvantage, which deprives me of due process under the 14th Amendment of U.S. Constitution. Being deprived of my ability to prove factual innocence in my 2255 case.

If the court cannot appoint court appointed counsel for this 2255 case, alternatively Petitioner asks this honorable Court to delay this 2255 case until Petitioner is not under incarceration.



(7) I make this PROCLAMATION to the hon. Court, to my Mother and family, to the U.S. Probation office, and to Martinsville District Court. The incident of "indecent exposure" is considered isolated and out of character. I swear under oath that it will never happen again. Charge is of a technical nature. I was threatened to get naked I never masturbated, it was a crazy ~~and~~ incident. Whoever threatened me needs to be charged and arrested. My mother hates me over what happened I'm sorry mom I was scared and didn't know what to do. I didn't want my mom to die. I am sorry for leaving around 11. The threats coming at me, the fear, the bad feeling in my gut. Next time I'm threatened I will report to police state police, and FBI. What I did on the hiking trail and leaving without telling my mom, will never ever happen again. I'm tired of the Legal Terrorism, the criminal threats, and being afraid. I just want to prove my actual innocence and move on with my life. I am tired of feeling afraid for my family and my life. It's tearing me apart. My family can tell my health is degrading. I provided so much evidence to the Habeas Court please let me prove my innocence, have an evidentiary hearing. I have facts of innocence. Let me prove it. People with Autism can be manipulated, easily threatened, abused.

(8) Before this charge, I was working on a ~~Rule~~ Rule 11 Motion for sanctions, case law Chambers v. Nasco Supreme Court case (fraud on the court), and citing state bar rule 3.8. I was going to show fraud on the court in the Respondent's factual basis of guilt, in their pre-filing injunction motion, and in the motion to dismiss.



I wanted to show the fraud on the court by Respondent give them 21 days (maybe 25 days) to respond before filing, then the court can decide under Chambers v. NASCO whether Respondent's Motions should be summarily denied. Subornation of perjury by Anand P. Ramaswamy is already a fraud on the Court in 2015. Respondent's resistance to me proving my innocence clearly violates Rule 3.8 of the state's Model Rules of Professional Conduct. N.C. State Bar. Rule 11 sanctions may be appropriate. I will serve them a rule 11 motion copy once released from jail. To resolve the issues between Respondent and Petitioner, Petitioner requests that the U.S. Attorney General appoint special counsel to represent Respondent for this \$2255 case.

Thank You!

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 27, 2018.

Respectfully filed with the court, this the 27<sup>th</sup> day of September, 2018. Brian D. Hill  
Signed

### CERTIFICATE OF SERVICE

Petitioner certifies that he dropped this status report in the Jail institution's mailbox on September 27<sup>th</sup> 2018, addressed to the Clerk, respectfully requests that all parties to the case are served by CM/ECF or by U.S. mailing. Petitioner asks Clerk to mail ~~the~~ letter certifying receipt of this pleading.

10

Brian D. Hill  
Signed

Brian David Hill  
Martinsville City Jail  
P.O. Box 1326  
Martinsville VA 24112

Clerk: Please send letter confirming receipt.



## Declaration and reCertificate of service

Brian David Hill v. United States ~~10~~ October <sup>10</sup> 2018

I Brian David Hill had mailed the wrong address and ~~is~~ refiled the "Status Report of Petitioner September 27, 2018" on October 10, 2018. The address was mailed to 324 W. Market Street, Suite 1, Martinsville, VA 24112. That address was incorrect. It should have been 324 W. Market Street, Suite 1, Greensboro, NC 27401.

So I recertify under the CERTIFICATE OF SERVICE that I file the pleading on Oct. 10, by depositing the pleading in an envelope prepaid in the Jail's mailing system. Again, I ask the Clerk to send me a letter acknowledging receipt of this pleading, and notify me which Document no.'s or I ask that my docket sheet be printed and sent to me showing my last ~~few~~ few entries.

I learned from Martinsville City Jail that I am limited by Jail policies to 1 short ink pen per month, 5 envelopes per week, no law library at all, and they have to destroy all envelopes including legal mail envelopes directed to inmates in MCJ. Envelopes are evidence but Jail officers can destroy envelopes including mail envelopes from Federal Courts. The Jail's policies seem unconstitutional and block me from continuing to ~~proceed~~ proceed in this 2255.

I ask that I be appointed a lawyer for my 2255.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 10, 2018.

Brian D. Hill  
Signed

U.S.W.G.O.

Brian David Hill  
Martinsville City Jail (MCJ)  
P.O. Box 1326, Martinsville, VA  
24112



VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,  
CITY OF MARTINSVILLE,  
PLAINTIFF,

v.

BRIAN DAVID HILL,  
DEFENDANT.

CASE NO: CR19000009-00

**NEW MEDICAL EVIDENCE**

**NEW MEDICAL EVIDENCE IN SUPPORT OF DEFENDANT'S**  
**“MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL**  
**BASED UPON NEW EVIDENCE WHICH COULD NOT BE**  
**ADMISSIBLE AT THE TIME OF CONVICTION; NEW EVIDENCE**  
**OF SPOILIATION OF EVIDENCE COMMITTED BY**  
**COMMONWEALTH OF VIRGINIA; REQUEST FOR SANCTIONS**  
**AGAINST COUNSEL GLEN ANDREW HALL, ESQUIRE (OFFICER**  
**OF THE COURT) FOR VIOLATING COURT ORDERS FOR NOT**  
**TURNING OVER BODY-CAMERA FOOTAGE AND IT IS LIKELY**  
**DESTROYED AND BIOLOGICAL EVIDENCE OF BLOOD VIALS**  
**OBTAINED ON DAY OF CHARGE, ALSO LIKELY DESTROYED”**

COMES NOW the Defendant, BRIAN DAVID HILL (“Defendant”), by and through himself pro se, and submits NEW MEDICAL EVIDENCE by Brian David Hill after his mother received medical records today. Defendant therefore submits this new evidence to this Honorable Court in support of Defendant's “MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL BASED UPON NEW

EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT THE TIME OF CONVICTION; NEW EVIDENCE OF SPOILIATION OF EVIDENCE COMMITTED BY COMMONWEALTH OF VIRGINIA; REQUEST FOR SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL, ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA FOOTAGE AND IT IS LIKELY DESTROYED AND BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON DAY OF CHARGE, ALSO LIKELY DESTROYED”.

**NEW MEDICAL EVIDENCE, EVIDENCE OF SPOILIATION OF CERTAIN MEDICAL RECORDS PAGES and arguments as to the new medical evidence to Hon. Giles Carter Greer, Circuit Court for the City of Martinsville:**

1. The **Exhibits 1 through 5** all make very good points. This further proves medical neglect by the Commonwealth of Virginia, spoliation of certain specific medical records pages possibly with the intent of covering up evidence that Brian David Hill was not medically cleared while at the time Brian David Hill was in custody of the Commonwealth of Virginia since the date of his arrest on September 21, 2018.

2. It is further new evidence in support of Defendant’s “MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL BASED UPON NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT THE TIME OF CONVICTION; NEW EVIDENCE OF SPOILIATION OF EVIDENCE COMMITTED BY

COMMONWEALTH OF VIRGINIA; REQUEST FOR SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL, ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA FOOTAGE AND IT IS LIKELY DESTROYED AND BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON DAY OF CHARGE, ALSO LIKELY DESTROYED”; it all shows that Brian David Hill is innocent as a matter of law under Virginia Code § 19.2-271.6.

3. It was just obtained today, and these records were not known to Defendant until today after Roberta Hill printed the email and copied the PDF file medical records for Defendant to use. Defendant submits this new filing with the NEW EVIDENCE because this Court was not aware of this evidence previously as far as Defendant is aware of.

4. The medical records in every Exhibit is a true and correct copy of the medical records emailed by four PDF file attachments by Laura T. Hopkins, Major, of Martinsville Sheriff’s Office. This is pursuant to an earlier medical records request from Brian David Hill and transmitted by Roberta Hill through email and transmitted by FAX by Brian Hill. See **Exhibit 1**. Nothing was altered including the white pages, though may be excessive white pages, the Rules of Evidence usually requires that a record be submitted in it’s entirety and not altered for it to be admissible as evidence. These records have not been altered but the files were added to each of the Exhibit pages for

the purpose of presentation for this new evidence. Defendant will certify this under penalty of perjury if ordered by this Court.

5. As to **Exhibit 2**, “Hill20220208\_11311953.pdf” is medical records from Martinsville City Jail. See EXHIBIT PAGE << 4 >>. Exhibit page 4 of **Exhibit 2** shows proof of Brian David Hill asking for a medication to be discontinued because of having a “black out” and sleeping most of the day. See EXHIBIT PAGE << 6 >>, it is the same thing and I cite from the record: “Sleeping most of day, sometimes feeling like I will pass out/black out. I sleep just fine. Isn't stopping my OCD.”

6. That sounds similar to **EXHIBIT 14**, in support of the “MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT THE TIME OF CONVICTION; NEW EVIDENCE OF SPOILIATION OF EVIDENCE COMMITTED BY COMMONWEALTH OF VIRGINIA; REQUEST FOR SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL, ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA FOOTAGE AND IT IS LIKELY DESTROYED AND BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON DAY OF CHARGE, ALSO LIKELY DESTROYED”. Brian said in his unsworn declaration under penalty of perjury that: “**At one point I felt like I might collapse so I may have been drugged. I had to keep sitting on benches.**” That would be page 3 of that Exhibit back in the original Motion filed with this Court.

7. Why would Brian David Hill have weird problems even after he was in Jail?

Could it be effects of Carbon Monoxide Gas exposure had not worn out yet? It takes a long time to recover from Carbon Monoxide Gas exposure, especially prolonged exposure to the gas.

8. As to **Exhibit 3**, “Hill20220208\_11321180.pdf” is medical records from Martinsville City Jail. See EXHIBIT PAGE << 4 1>>. On the day of Brian’s arrest, he was in Martinsville City Jail afterwards. As the medical record does not show the diabetic blood glucose of Brian David Hill at the time of his arrest and there was no blood glucose check in the morning, there was a record for a diabetic glucose check on “9/21/2018”, at 1600 hours which is military time. That would be around 4:00PM in the afternoon or evening. Reading was “306”. Checked by Officer “16” at the time, probably his officer identification number. For the purposes of this filing, it is not important to cite the blood glucose logs at this time but rather focus on the neglect here.

9. Back to **Exhibit 1**, EXHIBIT PAGE << 32 >>, EXHIBIT PAGE << 34 >>, and EXHIBIT PAGE << 36 >>. Starting with Exhibit page 32, Brian had an “Abrasion, right knee; Abrasion of unspecified front wall of thorax”. Usually issues with the thorax may be caused by Carbon Monoxide gas poisoning and long-term exposure. This record itself was in Martinsville City Jail but had been forwarded or faxed or copy given to them originally from the Sovah Hospital in Martinsville. So, the Martinsville City Jail under the authority of the Commonwealth of Virginia, its detainment facility, KNEW

that Brian needed to be given further checks and been given tests. The Hospital recommended that Defendant needed to see his private physician within “tomorrow” (September 22, 2018) for “Reason: Further diagnostic work-up, Recheck today's complaints, Continuance of care”. Exhibit page 34 said: “LABS None”. So, they drawn blood and then decided not to do any laboratory work. How negligent!!! It said no procedures done either. So, Officer Robert R. Jones lied when he said Brian was medically and psychologically cleared because they didn't do all of the necessary procedures to prove for a fact that Brian David Hill was medically and psychologically cleared at the time of his arrest. They just catch Brian in the Hospital and released him to jail quickly, the catch and release argument but under different circumstances. No tests, no procedures. They knew Brian was going to Jail, the Jail had those Hospital discharge papers, they knew Brian did not have all of the necessary laboratory tests prior to being released from Jail. No drug tests, they should have drug tested him, that was NEGLIGENT.

10. However the Martinsville City Jail and its medical records have no doctor visit on September 22, 2018. They never did any laboratory work. Exhibit page 36 said the same exact thing. It said (citation reformatted): “FOLLOW UP INSTRUCTIONS”, “Private Physician:, “When: Tomorrow”; “Reason: Further diagnostic work-up, Recheck today's complaints, Continuance of care”. Martinsville City Jail never followed the Hospital's instructions. Both were NEGLIGENT. NEGLECT OF DUTY. Judge

Greer must understand that Brian David Hill was medically NEGLECTED, MEDICALLY NEGLECTED, MEDICALLY NEGLECTED. He was neglected by Martinsville City Jail, Sovah Hospital of Martinsville, and Martinsville Police Department. They all neglected him and his diabetes. Only tested three times a day when his doctor had him test 4 times a day, always. They neglected to do any drug testing or laboratory testing. Defendant was hopeful that the Martinsville City Jail may have the laboratory results, maybe theoretically it was snuck in there by the Police maybe hoping that somehow it would not be covered up or never done. **Those hopes were dashed. Defendant was medically neglected. Officer Robert Jones of Martinsville Police Department had lied under oath in the original CRIMINAL COMPLAINT. He lied under oath when he claimed that Defendant was medically cleared.**

11. Martinsville City Jail also knew for a fact that Brian David Hill had a “psychosis” as brought out by Dr. Conrad Daum. Yet that diagnosis was never given to the mental evaluator Dr. Rebecca Lochrer of the General District Court’s ordered mental evaluation for sanity and competency. See Exhibit 4, EXHIBIT PAGE << 78 >> and EXHIBIT PAGE << 80 >>. So, the Jail knew he had a “psychosis”, maybe even Attorney Scott Albrecht may have known of the “psychosis” if he had ever asked for the Jail’s medical records. However, those records should have been turned over to Dr.

Rebecca Lochrer regarding the “psychosis” at the time of the alleged offense. That never happened.

12. There are lot of other things Defendant wishes to bring out, but he is short on time wanting to have his mother email this pleading to the Clerk of the Circuit Court by 5:00PM today on February 8, 2022.

13. The Defendant also has another suspicion which warrants that Hon. Judge Greer may want to order an investigation into missing pages in the Jail’s medical records given to Defendant. Like Exhibit pages 78 and 80 have pages 5 and 6 of 10 faxed from Piedmont Community Services. Faxed on October 24, 2018, to the Jail. A month prior to the evaluation. It said page “5/10”. So, there were ten pages faxed but those do not show up in the medical records. Also, the Hospital discharge papers do not have many to them and the Martinsville City Jail failed or refused to have a doctor or physician review over Brian David Hill’s health a day after his arrest on September 21, 2018. So, the Jail and the Hospital were both negligent. The Commonwealth should be barred from arguing that Brian David Hill was medically cleared on the day of his arrest, NO HE WASN’T.

DEFENDANT makes it clear to Judge Greer that there may be missing pages or pages removed from the medical records, and that is a possible felony cover up if that is the case. For ten pages to be faxed from Piedmont Community Services to the Jail’s



medical office but most pages are missing. Only two Defendant could find. Defendant finds other parts of the medical records have the page dissenting or ascending. When there is a skip in the medical records with specific pages numbers missing, that means medical record pages have been removed or missing without an explanation. That is a felony. It is a felony to secretly remove or cover up parts of a medical record. The Commonwealth of Virginia needs to be investigated for medical record cover ups. Since this is the jurisdiction of the Martinsville City Jail under the authority of the Commonwealth of Virginia, there needs to be an investigation into the missing medical records pages. Cover up should be noted and should be favorable to the Criminal Defendant for the purposes of acquittal.

**DEFENDANT SUBMITS THE FOLLOWING NEW MEDICAL EVIDENCE:**

EVIDENCE ATTACHMENT	PAGE RANGE	DESCRIPTION
EXHIBIT 1	1-2 (14-15)	Email to Roberta Hill from Martinsville Sheriff's Office with four attachments of MEDICAL RECORDS of Brian David Hill as asked by Brian David Hill and authorized to release to Roberta Hill. Filename: "Xfinity Connect FW_ Emailing_ Hill20220208_11342012, Hill20220208_11311953, Hill20220208_11321180,

		Hill20220208_11330588 Printout.pdf”
EXHIBIT 2	3-39 (16-52)	ATTACHMENT: “Hill20220208_11311953.pdf” of Email to Roberta Hill from Martinsville Sheriff’s Office with four attachments of MEDICAL RECORDS of Brian David Hill as asked by Brian David Hill and authorized to release to Roberta Hill.
EXHIBIT 3	40-64 (53-77)	ATTACHMENT: “Hill20220208_11321180.pdf” of Email to Roberta Hill from Martinsville Sheriff’s Office with four attachments of MEDICAL RECORDS of Brian David Hill as asked by Brian David Hill and authorized to release to Roberta Hill.
EXHIBIT 4	40-64 (78-106)	ATTACHMENT: “Hill20220208_11330588.pdf” of Email to Roberta Hill from Martinsville Sheriff’s Office with four attachments of MEDICAL RECORDS of Brian David Hill as asked by Brian David Hill and authorized to release to Roberta Hill.
EXHIBIT 5	40-64 (107- 163)	ATTACHMENT: “Hill20220208_11342012.pdf” of Email to Roberta Hill from Martinsville Sheriff’s Office with four attachments of MEDICAL RECORDS of Brian David Hill as asked by

		Brian David Hill and authorized to release to Roberta Hill.
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164 pages total

## CONCLUSION

Brian David Hill must be acquitted, found innocent, and his charge dismissed forever with prejudice. Brian David Hill = Innocence.

There clearly is evidence of negligence. The Commonwealth of Virginia should be sanctioned for this. Officer Robert Jones lied about Brian David Hill being medically cleared when no procedures and no lab work was done. The Hospital ordered for visit to a private physician the next day, Martinsville City Jail had no appointment for a physician to visit the Defendant to conduct laboratory tests or anything. Brian David Hill was a victim of medical negligence.

Respectfully submitted with the Court, This  
the 11th day of February, 2022.

*Brian D. Hill*  
*Signed*

**Brian D. Hill**

Brian D. Hill  
Defendant

Former news reporter of U.S.W.G.O. Alternative News  
Ally of Q  
310 Forest Street, Apartment 2  
Martinsville, Virginia 24112





JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com

## **CERTIFICATE OF SERVICE, CERTIFICATE OF FILING**

I hereby certify that a true and accurate copy of the foregoing NEW MEDICAL EVIDENCE was faxed or emailed/transmitted by my Assistant Roberta Hill at [rbhill67@comcast.net](mailto:rbhill67@comcast.net) (due to Probation Conditions of not being allowed to use the Internet) or delivered this 11th day of February, 2022, to the following parties:

1. Commonwealth of Virginia
2. City of Martinsville

by having representative Roberta Hill filing his pleading on his behalf with the Court, through email address [rbhill67@comcast.net](mailto:rbhill67@comcast.net), transmit/faxed a copy of this pleading to the following attorneys who represent the above parties to the case:

Glen Andrew Hall, Esq. Commonwealth Attorney's Office for the City of Martinsville 55 West Church Street P.O. Box 1311 Martinsville, Virginia 24114/24112 Attorney for the Commonwealth Phone: (276) 403-5470 Fax: (276) 403-5478 Email: <a href="mailto:ahall@ci.martinsville.va.us">ahall@ci.martinsville.va.us</a>	Hon. Ashby R. Pritchett, Clerk of the Court Circuit Court for the City of Martinsville Phone: 276-403-5106 Fax: 276-403-5232 55 West Church Street, Room 205 P.O. Box 1206 Martinsville, VA 24114 Email: <a href="mailto:apritchett@vacourts.gov">apritchett@vacourts.gov</a>
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The reason why Brian David Hill must use such a representative to serve such pleading with the Clerk on his behalf is because Brian is currently still under the conditions of Supervised Release for the U.S. District Court barring internet usage without permission. Brian's Probation Officer is aware of Roberta Hill using her email for conducting court business concerning Brian Hill or court business with the Probation Office in regards to Brian David Hill. Therefore Roberta Hill is filing the pleading on Brian's behalf for official court business. Brian has authorized her to file the pleading. All exhibits or any exhibits with anything printed from any internet based service was printed and researched by Roberta Hill.

That should satisfy the Certificate of Service regarding letters/pleadings during the ongoing Covid-19 pandemic. If the Court wishes to contact the filer over any issues or concerns, please feel free to contact the filer Brian David Hill directly by telephone or by mailing. They can also contact c / o Roberta Hill at [rbhill67@comcast.net](mailto:rbhill67@comcast.net) and request that she forward the message and any documents or attachments to Brian David Hill to view offline for his review.

  
Signed

Brian D. Hill

Brian D. Hill

Defendant

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

(276) 790-3505

JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com

**U.S.W.G.O.**



# **EXHIBIT 1**

## **for**

**NEW MEDICAL EVIDENCE IN SUPPORT OF DEFENDANT'S  
“MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL  
BASED UPON NEW EVIDENCE WHICH COULD NOT BE  
ADMISSIBLE AT THE TIME OF CONVICTION; NEW  
EVIDENCE OF SPOLIATION OF EVIDENCE COMMITTED BY  
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SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,  
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING  
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA  
FOOTAGE AND IT IS LIKELY DESTROYED AND  
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON  
DAY OF CHARGE, ALSO LIKELY DESTROYED”**

**Commonwealth of Virginia, City of Martinsville v. Brian David Hill  
CASE NO: CR19000009-00**

**Friday, February 11, 2022**



**JUSTICEFORUSWGO.WORDPRESS.COM**

Laura Hopkins <lhopkins@ci.martinsville.va.us>

2/8/2022 11:59 AM

FW: Emailing: Hill20220208\_11342012, Hill20220208\_11311953,  
Hill20220208\_11321180, Hill20220208\_11330588

To Roberta Hill <rbhill67@comcast.net>

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Please find attached the medical records as requested.

Laura T Hopkins, Major  
Martinsville Sheriff's Office  
P.O. Box 1326  
Martinsville, VA 24114  
PH: 276-403-5289  
Fax: 276-403-5286  
Mobile: 276-732-4017

- 
- Hill20220208\_11342012.pdf (9 MB)
  - Hill20220208\_11311953.pdf (7 MB)
  - Hill20220208\_11321180.pdf (5 MB)
  - Hill20220208\_11330588.pdf (5 MB)

# **EXHIBIT 2**

## **for**

NEW MEDICAL EVIDENCE IN SUPPORT OF DEFENDANT'S  
“MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL  
BASED UPON NEW EVIDENCE WHICH COULD NOT BE  
ADMISSIBLE AT THE TIME OF CONVICTION; NEW  
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DAY OF CHARGE, ALSO LIKELY DESTROYED”

Commonwealth of Virginia, City of Martinsville v. Brian David Hill  
CASE NO: CR19000009-00

Friday, February 11, 2022



JUSTICEFORUSWGO.WORDPRESS.COM



# Martinsville City Jail

### **Inmate's Request to Discontinue Doctor Prescribed Medication.**

I, Brian David Hill wish to stop taking the following doctor prescribed medication on this date 11/19/2018.

**Reason:** Please notify Dr. Domb or Dumb, Piedmont Community Services.  
Almost blacked out, sleep most of day. Still have anxiety.  
It can cause me sometimes to almost black out. Doesn't stop my OCD.  
Blacking out can be dangerous. Misspelled in last request with Alanzapine.

Medication: Planzapine, \_\_\_\_\_

I understand the health risk involved such as stroke, heart attack or even death when I stop taking blood pressure or heart medications or any life threatening doctor prescribed medication.

medication.

Inmate's Signature: Brian D. Hill Date: 11/19/2018

**Medic's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Witnessing Supervisor:** \_\_\_\_\_ **Date:** \_\_\_\_\_

address w/ Dr. Dawn  
n 11/21/2018

*[Faint, illegible handwritten text, likely bleed-through from the reverse side of the page]*

# Martinsville City Jail

## Inmate's Request to Discontinue Doctor Prescribed Medication.

I, Brian Hill wish to stop taking the following doctor prescribed medication on this date 11 / 18 / 18.

### Reason:

Sleeping most of day, sometimes feeling like I will pass out/black out. I sleep just fine. Isn't stopping my OCD.

Medication: olanzapine, \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

I understand the health risk involved such as stroke, heart attack or even death when I stop taking blood pressure or heart medications or any life threatening doctor prescribed medication.

Inmate's Signature: Brian D. Hill Date: 11/18/2018  
Signed

Medic's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Witnessing Supervisor: \_\_\_\_\_ Date: \_\_\_\_\_





Urgent ! Brian Hill requests photocopy of this request !

# MARTINSVILLE CITY JAIL

Inmate's Name: Brian David Hill #302165 Date: 11/14/2018

Housing Unit Number: J-8

Medical Visit Request to see the Jail Medic \_\_\_\_\_ Jail Physician ✓

What is your current medical problem requiring medical attention?

This is for the chronic care issue of my Type 1 brittle diabetes. I am a carb counter on insulin-to-carb ratio and sliding scale. I should be doing insulin based on my blood sugar level and for the meal I am about to eat. Like two slices of bread is 30 grams of carbs, chips have listed carbs. I usually do 7 to 1 u ratio. Every 7 grams of carbs I do one unit of insulin. An endocrinologist would agree with this. Can I do insulin based on the meal and sliding scale?

Inmate's Signature: Brian D. Hill U.S.W.G.O.  
Signed

There will be a charge to your account for the visit plus additional fees for services rendered. The medical dept. reserves the right to handle medical request that do not require a visit to the jail physician.

DO NOT WRITE BELOW THIS LINE

MEDICAL PERSONNEL ONLY

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ Vital Signs: BP \_\_\_\_\_ Pulse \_\_\_\_\_ Temp. \_\_\_\_\_

MEDICAL NOTES:

11-15-2018  
blood sugar checked 3 times  
a day - issues addressed  
with each check

Handwritten notes at the top of the page, including the date "10/1/88" and some illegible text.

Handwritten notes in the upper middle section of the page.

Handwritten notes in the middle section of the page.

A large block of handwritten notes, appearing to be a list or a series of observations, located in the lower middle section of the page.

Handwritten notes in the lower middle section of the page.

Handwritten notes in the lower middle section of the page.

Handwritten notes in the lower middle section of the page.

Handwritten notes in the lower middle section of the page.

# MARTINSVILLE CITY JAIL

Inmate's Name: Brian David Hill Date: 10/20/2018

Housing Unit Number: J-8

Medical Visit Request to see the Jail Medic \_\_\_\_\_ Jail Physician ✓

What is your current medical problem requiring medical attention?

My carpal tunnel of my wrist is getting worse. Pain in my wrist.  
It is difficult to write letters without feeling pain. I used a  
wrist stabilizer in the outside world. For me writing legal papers  
and sending out legal mail, my wrist pain is getting worse.  
I don't know what to do. Please help me ASAP. Thanks  
U.S.W.G.O.

Inmate's Signature: Brian D. Hill  
Signed

**There will be a charge to your account for the visit plus additional fees for services rendered. The medical dept. reserves the right to handle medical request that do not require a visit to the jail physician.**

DO NOT WRITE BELOW THIS LINE

MEDICAL PERSONNEL ONLY

Date: 10/31/18 Vital Signs: BP \_\_\_\_\_ Pulse \_\_\_\_\_ Temp. \_\_\_\_\_

## MEDICAL NOTES:

- (S) Has had some problems c hand for years - CTS flare
  - (C) USS some tunnel's & phalen's on (R) good pulses
  - (A) CTS (R) hand  
Wrist arthritis
  - (P) Wrist Splint/brace  
Relaxer 50mg BID
- [Signature] 10/31/18

2081





# MARTINSVILLE CITY JAIL

Inmate's Name: Brian David Hill Date: 10/06/2018

Housing Unit Number: 8

Medical Visit Request to see the Jail Medic ☒ Jail Physician ☐

What is your current medical problem requiring medical attention?

Carilion Clinic of Roanoke, VA, diagnosed me with eczema. Also, because of my diabetes, I have skin issues. I am indigent and do not have access to commissary to buy aloe vera or any kind of skin lotion. Can medical provide some kind of diabetic skin cream or lotion to protect my skin. Can there be a way an indigent person can request skin lotion or something to protect from eczema.

Inmate's Signature: Brian D. Hill  
Signed

Thanks

**There will be a charge to your account for the visit plus additional fees for services rendered. The medical dept. reserves the right to handle medical request that do not require a visit to the jail physician.**

DO NOT WRITE BELOW THIS LINE

MEDICAL PERSONNEL ONLY

Date: \_\_\_/\_\_\_/\_\_\_ Vital Signs: BP \_\_\_ Pulse \_\_\_ Temp. \_\_\_

MEDICAL NOTES:

Deputy Raney  
Gave skin lotion

on 10-09-2018



# FAX

Date: 10/23/2018

Page 1 of: 6

**TO Administration at the Martinsville, VA Jail**

Name: Dinah Davis  
Fax Number: 276-403-5286

**FROM Brian David Hill's Family**

Name: Stella & Ken Forinash  
Contact Number: home phone: 276-632-2599

**SUBJECT**

☐ Urgent

☐ Please Reply

**BRIAN DAVID HILL - Brian is a brittle type 1 diabetic who has autism & OCD**

## MESSAGE

Brian's family has just found out that there is at least one time in this jail that Brian was not given any breakfast insulin at all. It was checked 5 hours later and his glucose was over 400 which meant that he was suffering a lot with frequent urination upsetting his ocd routines and other bad side effects. Are you aware that Brian has the rare brittle diabetes which could be fatal without the proper care and requires at least 4 insulin shots per day? He also has human and constitutional rights to the proper medical care. He needs to be checked for ketones today. Giving Brian the proper medical care will also make things easier on the jail staff. They have a very hard job and now a new burden has been added to their daily work schedule. Brian also suffers from carpal tunnel syndrome and needs a carpal tunnel wrist splint. He has dry skin with eczema and needs lotion for that. He is a patient at the Carilion Clinic; Phone #276-670-3300. Sent a copy of this fax to Dr. Isernia's office this morning.

Brian's grandma has written a 5 page PDF to help the administration and the medical staff to understand Brian's health better. He has severe diabetes with autism, OCD and many other problems. He is very smart. Thank you for your time reading this 5 page PDF and for helping Brian with his medical needs. Please call to let us know you received this fax. We can send faxes but not receive them.

Thank you,  
Stella & Ken Forinash





## Brian D Hill Brittle Diabetes, Autism, OCD

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Brian takes insulin on a sliding scale based on calories. He has always had a huge appetite and most of the time eats all of his food. Since 1992 he has insulin shots 4 – 5 times each day: 3 short acting insulin shots with his 3 daily meals and 1 long acting insulin shot per day. He might need to have a urine check for ketones. Types of insulin:

<https://www.endocrineweb.com/conditions/type-1-diabetes/type-1-diabetes-insulin>

- **Regular or Short-acting:** Regular (also called short-acting) insulin takes effect within 30 minutes to an hour. It's also taken before a meal, but its effect lasts longer than rapid-acting insulin. It is injected 30 minutes to an hour before meals. Regular or short-acting insulin also imitates the bolus secretion.
- **Long-acting:** Similar to intermediate-acting insulin, long-acting insulin replicates the basal secretion. Long-acting insulin lasts for 20-24 hours, so you usually take it once a day. Some people may take this type of insulin twice of day for better control of their blood sugar.

### TYPE 1 INSULIN DEPENDENT DIABETES:

<https://beyondtype1.org/type-1-diabetes/>

Type 1 diabetes, which was formerly known as juvenile diabetes, is a chronic autoimmune condition that makes the body unable to produce insulin, which is the hormone that regulates blood sugar. Without insulin, our bodies cannot use the sugar in our bloodstream as energy, causing people to experience Diabetic ketoacidosis (DKA).

### What are symptoms of Type 1 diabetes?

There are many signs or symptoms that can be present when someone has undiagnosed or untreated diabetes. Here are a few of those symptoms:

- Unquenchable thirst
- Frequent urination
- Unexplained bedwetting
- Unwanted or unexplained weight loss
- Less energy
- Fruity smelling breath
- Blurry vision
- Stomach pain
- Nausea or vomiting



## Brian D Hill Brittle Diabetes, Autism, OCD

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- Loss of consciousness
- Rapid, heavy breathing

Mental health:

<https://beyondtype1.org/mental-health/>

**Type 1 diabetes** affects more than just the physical. It's emotionally taxing and tests our constitutions daily. Whether you have Type 1 or are a caregiver for someone who has it, you should know first that you are not alone. Remember, too, that a big and important part of taking care of yourself, is nurturing the mind and spirit. We are just beginning to explore what that means through our own extensive research as well as by consulting experts from a wide range of disciplines. We're on the search to discover what contributes to a healthy mental state and how one can achieve a balanced life.

If you have Type 1 diabetes or are caring for someone who does, it is likely that you or your loved one will experience any of the following: **stress**, **diabetes distress**, **burnout**, **diabulimia** and/or **depression**.

### **ANXIETY + DIABETES**

<https://beyondtype1.org/anxiety-diabetes/>

Type 1 Diabetes care requires 24 hours 7 days a week:

<https://beyondtype1.org/caregiver-burnout/>

5 to 10% of Diabetics have Type 1 Insulin dependent. 90 – 95% have Type 2 diabetes (controlled by diet, pills and sometimes a small amount of insulin).

### **BRITTLE DIABETES**

<https://rarediseases.info.nih.gov/diseases/11900/brittle-diabetes>

<https://www.healthline.com/health/what-brittle-diabetes>

<http://www.diabetesforecast.org/2014/mar/the-brittle-diabetes-debate.html>

[https://beyondtype1.org/what-is-brittle-diabetes/?gclid=EAlaIQobChMI4g-N47ec3gIVWfuGCh0kKwWIEAAYASAAEgLTivD\\_BwE](https://beyondtype1.org/what-is-brittle-diabetes/?gclid=EAlaIQobChMI4g-N47ec3gIVWfuGCh0kKwWIEAAYASAAEgLTivD_BwE)

### **What is Brittle Diabetes?**

Brittle diabetes is a rare form of insulin-dependent diabetes and is marked by frequent and severe episodes of **hypoglycemia** and/or **hyperglycemia(DKA)**. This instability of blood sugar levels often leads to hospitalization and necessitates frequent self-





## Brian D Hill Brittle Diabetes, Autism, OCD

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monitoring of blood glucose, the use of an insulin pump and a continuous glucose monitoring device (CGM). In rare cases, a pancreas transplant may be necessary.

Go to this website to read, listen to or learn more about brittle type 1 diabetes:  
<https://rarediseases.info.nih.gov/diseases/11900/brittle-diabetes>

U.S. Dept of Health & Human Services 1-888-205-2311 Genetic and Rare Diseases Information Center.

Brittle diabetes is a term that is sometimes used to describe hard-to-control diabetes (also called labile diabetes). It is characterized by wide variations or "swings" in blood glucose (sugar) in which blood glucose levels can quickly move from too high (hyperglycemia) to too low (hypoglycemia). These episodes are hard to predict and can disrupt quality of life. They can require frequent or lengthy hospitalizations and can be fatal. People with type 1 diabetes are at greatest risk. While many people with type 1 diabetes experience hypoglycemia, only a small proportion of people with type 1 diabetes experience the frequent blood glucose swings described as "brittle."

**NOTE: Brian David Hill in addition to being a brittle type one diabetic from the age of 1 (almost 2) also has AUTISM & severe OCD. He was prescribed an insulin pump a few years ago but refused to wear it due to his hours long OCD shower routine. Brian is 28 years old now and has never done illegal drugs or alcohol. His mom has been his caregiver from birth to 28 years. She (Roberta Hill) can explain more to you about Brian and his particular type of brittle diabetes. When he was a child, his endocrinologist (diabetic specialist), Dr. Stephen A. South ((336) 621-8911) and neurologist, Dr. William H. Hickling ((336) 271-3331) described that his diabetes and autism worked against each other which could explain why he has been a brittle diabetic for 26 years plus another hospital noted that emotional stress caused his glucose to go up.**

### **What causes Brittle diabetes?**

There can be many causes of Brittle diabetes, but here are some of the most frequent ones (NIH):

- Emotional stress
- Hormonal imbalance
- Poor personal care
- Malabsorption (when your small intestine cannot absorb nutrients from foods)



## Brian D Hill Brittle Diabetes, Autism, OCD

- trouble thinking clearly or concentrating
- loss of consciousness, seizure, coma

People with hypoglycemic unawareness do not know their blood sugar is dropping. If you have this condition, your blood sugar can drop without you noticing it. Without immediate treatment, you can faint, experience a seizure, or even go into a coma.

**TREATMENT for HYPOGLYCEMIC:** Very low blood sugar is a medical emergency. If someone you know has diabetes and they're experiencing mild to moderate symptoms, have them eat or drink 15 grams of easily digestible carbohydrates, such as:

- half a cup of juice or regular soda
- 1 tablespoon of honey
- 4 or 5 saltine crackers
- 3 or 4 pieces of hard candy or glucose tablets
- 1 tablespoon of sugar

If someone is having a severe reaction, such as unconsciousness, it's important to administer a medication called glucagon and contact emergency services immediately.

Roberta Hill (Brian's mother)

310 Forest St. Apt 1 Martinsville, VA 24112; Phone number 276-790-3505 email  
[rbhill67@yahoo.com](mailto:rbhill67@yahoo.com)

Stella & Ken Forinash (Brian's grandparents)

201 Greyson St., Martinsville, VA 24112 Phone # 276-632-2599 email  
[kenstella@comcast.net](mailto:kenstella@comcast.net)











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November 2018

blank (87)  
Hall, John







**LETTER TO MARTINSVILLE SHERIFF'S OFFICE AND  
MARTINSVILLE CITY JAIL REQUESTING ALL MEDICAL  
RECORDS BETWEEN THE DATES SEPTEMBER 21, 2018, AND  
DECEMBER 22, 2018 - URGENT REQUEST**

**RE: Brian David Hill; #00-21123; DOB: 05/26/1990**

Sunday, January 30, 2022 07:59 PM

**ATTN: Sheriff Steve M. Draper**

Martinsville (City) Sheriff's Office  
13 Moss Street South  
Martinsville, Virginia, 24112

Phone #: 276-656-5151

Fax #: 276-656-5286

Dear Martinsville City Sheriff Steve M. Draper and Martinsville City Jail,

Pursuant to Code of Federal Regulations (CFR) 20 CFR § 401.55 - Access to medical records; 18 Va. Admin. Code § 85-20-26(D) (2008); any other Federal or State Law or regulation; Brian David Hill hereby requests a copy of his medical records ASAP.

Brian David Hill requests copies of all medical records (whether digital or paper, whatever is cheaper) from Martinsville City Jail concerning inmate #00-21123; DOB: May 26, 1990; Social Security Number [REDACTED] 0319; between the dates September 21, 2018 through December 22, 2018, the date when Brian David Hill was picked up by the Feds. The records requested are of myself.

I am Brian David Hill, the patient and am requesting the records of myself, the patient. Roberta Hill is submitting this request on my behalf and she is authorized to obtain my medical records on my behalf. Her emails are [rbhill67@comcast.net](mailto:rbhill67@comcast.net) and [rbhill67@yahoo.com](mailto:rbhill67@yahoo.com).

I need these medical records for legal case purposes.

I would like to be informed of the fee for obtaining these records. I am willing for you to email the medical records in Portable Document Format ("PDF") and to obtain and make photocopies of the medical records as cheaply as possible. Please inform me of the total costs prior to processing and fulfilling my request for medical records concerning Martinsville City Jail and medical records of my stay there.

**PAGE 1 OF 2 - LETTER TO SHERIFF DRAPER AND MARTINSVILLE CITY JAIL**





This includes any laboratory testing, blood glucose levels, any diabetic flow sheets, prescription history; drug or alcohol testing, any Carboxyhemoglobin testing, any other biological testing of any samples obtained from Brian David Hill; any and all medical records between the dates September 21, 2018 through December 22, 2018.

I would like to request this as soon as possible. Please make this request expedited. I need these records quickly.

Thank You Sheriff Draper.

Brian D. Hill  
Signed

Brian D. Hill

God bless you,

Brian D. Hill

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

(276) 790-3505

**U.S.W.G.O. U.S.W.G.O.**

JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com





## Sovah Health Martinsville

320 Hospital Drive  
Martinsville, VA 24112  
276-666-7237

09/21/2018 04:52

**Discharge Instructions for:**

**Hill, Brian D**

**Arrival Date:**

**Friday, September 21, 2018**

Thank you for choosing **Sovah Health Martinsville** for your care today. The examination and treatment you have received in the Emergency Department today have been rendered on an emergency basis only and are not intended to be a substitute for an effort to provide complete medical care. You should contact your follow-up physician as it is important that you let him or her check you and report any new or remaining problems since it is impossible to recognize and treat all elements of an injury or illness in a single emergency care center visit.

**Care provided by:** Hinchman, Brant, DO

**Diagnosis:** Abrasion, right knee; Abrasion of unspecified front wall of thorax

DISCHARGE INSTRUCTIONS	FORMS
VIS, Tetanus, Diphtheria (Td) - CDC Abrasion, Easy-to-Read Knee Pain, Easy-to-Read	Medication Reconciliation
FOLLOW UP INSTRUCTIONS	PRESCRIPTIONS
<b>Private Physician</b> When: Tomorrow; Reason: Further diagnostic work-up, Recheck today's complaints, Continuance of care <b>Emergency Department</b> When: As needed; Reason: Fever > 102 F, Trouble breathing, Worsening of condition	None
SPECIAL NOTES	
None	

**National Hopeline Network: 1-800-784-2433**

**If you received a narcotic or sedative medication during your Emergency Department stay you should not drive, drink alcohol or operate heavy machinery for the next 8 hours as this medication can cause drowsiness, dizziness, and decrease your response time to events.**

**X-RAYS and LAB TESTS:**

If you had x-rays today they were read by the emergency physician. Your x-rays will also be read by a radiologist within 24 hours. If you had a culture done it will take 24 to 72 hours to get the results. If there is a change in the x-ray diagnosis or a positive culture, we will contact you. Please verify your current phone number prior to discharge at the check out desk.

**MEDICATIONS:**



Brian Hill  
MRN: MM00370912  
ACCT: MM7806761243

If you received a prescription for medication(s) today, it is important that when you fill this you let the pharmacist know all the other medications that you are on and any allergies you might have. It is also important that you notify your follow-up physician of all your medications including the prescriptions you may receive today.

## TESTS AND PROCEDURES

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### Labs

None

### Rad

None

### Procedures

None

### Other

Call ERT, IV saline lock

## Patient Copy





## **FOLLOW UP INSTRUCTIONS**

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### Private Physician

When: Tomorrow

Reason: Further diagnostic work-up, Recheck today's complaints, Continuance of care

### Emergency Department

When: As needed

Reason: Fever > 102 F, Trouble breathing, Worsening of condition



**Sovah Health Martinsville  
Emergency Department  
Discharge Medication Information**

**MEDICATION RECONCILIATION FORM**

**Name:** Brian Hill  
**Age:** 28 yrs , **Gender:** Male  
**Height:** 6ft. 0in.  
**Weight:** 99.79Kg

**Visit Date:** 09/21/2018 04:04  
**MRN:** MM00370912  
**Provider:** Hinchman, Brant

**ALLERGIES:** Ranitidine

Thank you for visiting Sovah Health Martinsville. This form contains information about your medications. It is important that you read and understand this information.

**Source(s) of Home Medication information (Select all that apply):**

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Patient                  | <input type="checkbox"/> Medication List    | <input type="checkbox"/> EMS Record            |
| <input type="checkbox"/> Patient's Family         | <input type="checkbox"/> Medication Bottles | <input type="checkbox"/> Primary Care Provider |
| <input type="checkbox"/> Hospital Record          |   |  |
| <input type="checkbox"/> Pharmacy (Specify _____) |   |  |
| <input type="checkbox"/> Other (Specify _____)    |   |  |

**Home Medication(s) recorded during this visit:** No Active Home Medications

**Medications you received during your visit:**

Drug & Dose	Volume	Route	Rate	Infused Over	Given At
NS 0.9% 1000 ml		IV	999 mL/hr		09/21 04:36
Tetanus-Diphtheria Toxoid Adult 0.5 ml <sub>1</sub>		IM			09/21 04:36

**Prescriptions you received during your visit:** NONE

**Notes:**

You will need to see your Primary Care Provider to get refills.

PLEASE GIVE THIS FORM TO YOUR NEXT PROVIDER OF MEDICAL SERVICE (DOCTOR, CLINIC, HOME CARE, ETC.)

**Signature:**

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Hinchman, Brant

**Created by:**

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# **EXHIBIT 3**

## **for**

**NEW MEDICAL EVIDENCE IN SUPPORT OF DEFENDANT'S  
“MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL  
BASED UPON NEW EVIDENCE WHICH COULD NOT BE  
ADMISSIBLE AT THE TIME OF CONVICTION; NEW  
EVIDENCE OF SPOILIATION OF EVIDENCE COMMITTED BY  
COMMONWEALTH OF VIRGINIA; REQUEST FOR  
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,  
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING  
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA  
FOOTAGE AND IT IS LIKELY DESTROYED AND  
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON  
DAY OF CHARGE, ALSO LIKELY DESTROYED”**

**Commonwealth of Virginia, City of Martinsville v. Brian David Hill  
CASE NO: CR19000009-00**

**Friday, February 11, 2022**



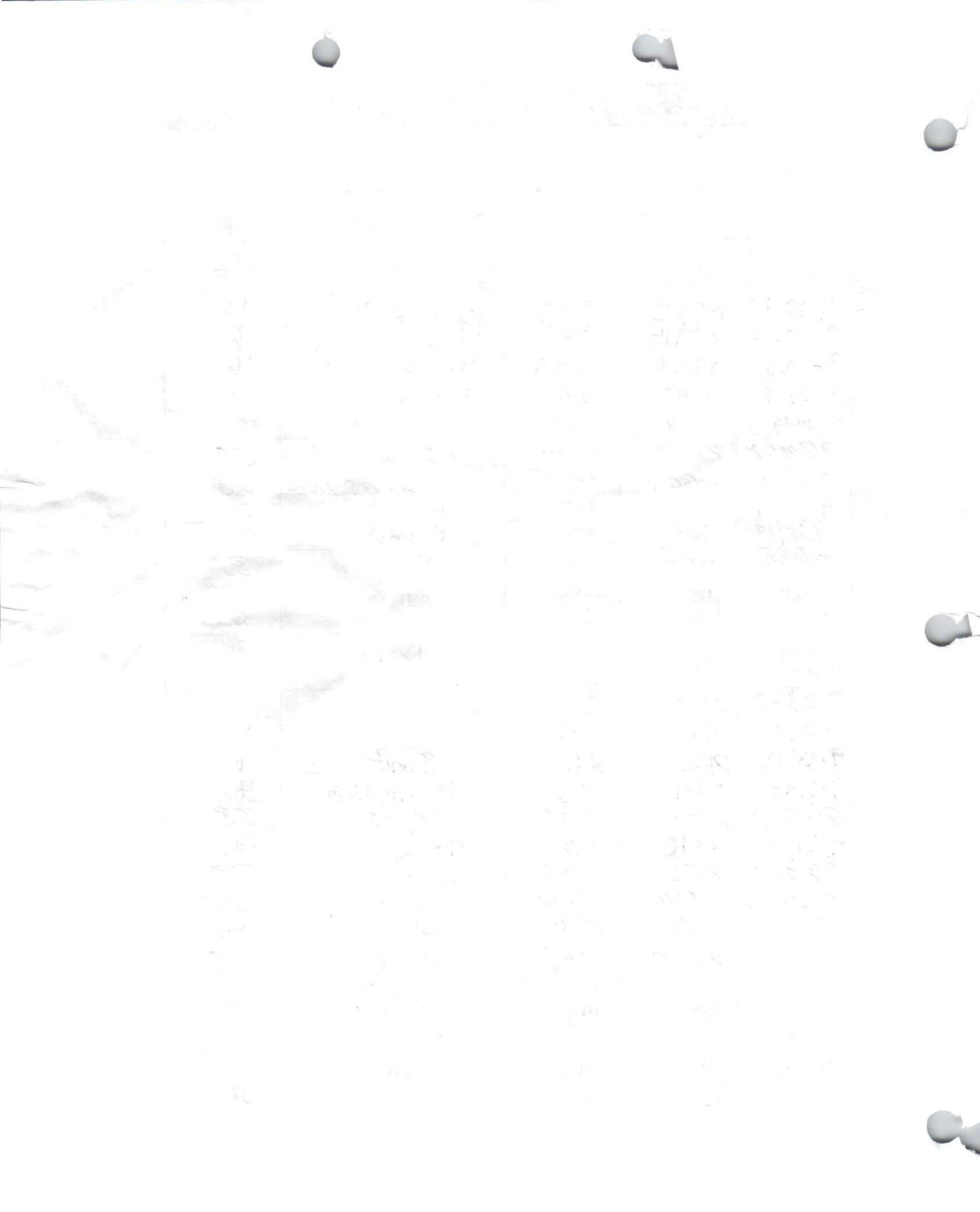
**JUSTICEFORUSWGO.WORDPRESS.COM**

# BLOOD SUGAR LOG

Inmates Name:

Brian Hill

Date	Time	Reading	Amt of Insulin Given	Officer
9/21/2018	1600	306	8 units given	16
9-22-2018	1757	459	28 units, 15 Nov.	31
9-22-18	0822	547	15 units of Nov	16
9-23-18	0816	449	15 units of Nov	16
9-23-	1530	334	15 of nov 28 Lnr	16
9-23-18	2047	291	8 units	35
9-24-18	0524	133	none	35
9/24/18	2135	446	15 units, Nov	35
9/25/18	0604	435	15 units, Nov	35
9-25-18	1100	315	10 units	38
9/25/18	2015	333	10 units	41
9/26/18	0500	413	28, 15	35
9-26-18	1100	345	11 Nov	39
9-26-18	1600	346	12 Nov	38
9-27-18	1100	245	13 Nov	38
9-27-18	2000	333	11	37
9-28-18	0450	64	11	37
9-28-18	1100	245	10 Nov	38
9-28-18	2120	291	8 unit	40
9-29-18	0436	103	13 units Nova	40
9/29/18	2000	495	28, 15	35
9/29/18	2310	33	none	40
9/29/18	2351	109	none	35
9/30/18	0445	64	none	35
9/30/18	1220	354	12	43
9/30/18	2030	348	28, 8	35
10-1-18	1100	344	12 Nov	38
10-1-18	1600	199	4 Nov	38
10-1-18	2020	323	28, 10	39
10-2-18	1100	345	12 Nov	38
10-2-18	1600	171	6 Nov	38





# BLOOD SUGAR LOG

Inmates Name:

Brian Hill

Date	Time	Reading	Amt of Insulin Given	Officer
10-2	0736	73	1 glucose tab	39
10.3.18	1100	291	8 Nov	38
10.3.18	1100	285	8 Nov	38
10-3-18	2100	152	28	32
10/4/18	0450	140	none	33
10.4.18	1100	<del>416</del> 416	16 Nov	38
10.4.18	1600	97	3 Nov	38
10/4/18	2030	398	12, 28	33
10/5/18	0500	49	16 glucose tabs	33
10/5/18	0630	411	12 Novo	33
10.5.18	1100	97	3 Nov	38
10.5.18	1600	192	5 Nov	38
10.5.18	2130	318	10 units Nov/28	39
10.6.18	0440	48	2 glucose tabs	39
10-6-18	0800	472	15 N	37
10-6-18	1600	267	8 N	37
10.6.18	2127	311	10 Nova, 28 Bas	39
10.7.18	0440	48	2 glucose tabs	39
10.7.18	0607	145	10 Nova	39
10-7-18	1100	243	5 N	37
10-7-18	1440	247	5 N	37
10-7-18	2115	328	9 Nova, 28 Bas	39
10-8-18	0030	154		39
10-8-18	0438	93		39
10-8-18	0606	<del>40</del> 199	13 Nova	39
10-8-18	1030	254	5 N	41
10-8-18	1134	269	8 units Nova	40
10-8-18	2340	177	28 units Novolin	71
10.9.18	1100	380	13 Nov	38
10.9.18	1500	151	4 Nov	38





# BLOOD SUGAR LOG

Inmates Name:

Brian Hill

Date	Time	Reading	Amt of Insulin Given	Officer
10-10-18	0945	584	16 Nov	38
10-10-18	1445	231	16 Nov	38
10/10/18	2100	470	28 Bas/15 Nov	42
10/11/18	0445	124	13 Nova	39
10/11/18	0608	145	3 Nova	39
10-11-18	1030	147	3 Nov	38
10-11-18	1547	298	11 Nov	35
10/11/18	2115	296	28 Bas/9 Nov	42
10/12/18	0535	139	13 Nov	42
10-12-18	1015	257	9 Nov	38
10-12-18	2200	426	28/15	8
10-13-18	0515	46	2	8
10-13-18	2110	229	28	8
10-14-18	0510	202	13	8
10-14-18	0920	235	5	41
10/14/18	1615	220	5	32
10/14/18	2030	288	27	8
10/15/18	0515	121	A	8
10-15-18	1030	407	15 Nov	38
10-15-18	1600	77	—	38
10-16-18	0922	503	15 Nova	39
10-16-18	1934	319	15 N	37
10-17-18	0512	75	0	37
10-17-18	1100	150	3 Nov	38
10-17-18	1600	265	8 Nov	38
10-18-18	2130	210	28 Bas	44/1208
10-18-18	0510	84	0	8
10-18-18	0738	319	10 units Nova	40
10-18-18	1000	188	3 Nova	38
10-18-18	1430	187	3 Nova	38
10-18-18	1955	345	28 Bas / 10 units Nova	44

345



# BLOOD SUGAR LOG

Inmates Name:

Brian Hill

Date	Time	Reading	Amt of Insulin Given	Officer
10-19-18	0030	68	—	8
10-19-18	0518	95	—	8
10-19-18	1630	263	11 Nova	38
10-19-18	1530	133	3 Nova	38
10-19-18	2030	217	20 B	47
10-20-18	0512	167	8 N	37
10-20-18	1534	329	10 Nova	39
10-20-18	1600	294	refused	16
10-20-18	1600			
10-20-18	2100	88	22 B	41
10-20-18	0608	134	11 Nova	41
10-21-18	0927	224	5 Nova	39
10-21-18	1614	101	none given	16
10-21-18	2100	301	10 B	37
10-22-18	0500	143	11 N	37
10-22-18	1100	136	3 Nova	38
10-22-18	1549	117	3 Nova	38
10-22-18	2125	233	28 Bas	40
10-23-18	0606	109	11 Nova	40
10-23-18	1100	66	—	38
10-23-18	1458	381	<del>13</del> 13 Nova	38
10-23-18	2128	184	28 Bas	40
10-24-18	0610	122	10 units Nova	40
10-24-18	1035	146	3 Nova	38
10-24-18	1400	95	—	38
10-25-18	10:36	93	—	38
10/26/18	0920	371	12 Units	43
10/26/18	1600	274	8 units Nova	3
10/26/18	2209	220	5 units Nova	40
10/27/18	0632	312	11 units Nova	40
10/27/18	0930	373	12 Units	43

*[Faint, illegible handwritten text, possibly bleed-through from the reverse side of the page]*



# BLOOD SUGAR LOG

Inmates Name:

Brian Hill

Date	Time	Reading	Amt of Insulin Given	Officer
10/27/18	1630	328	8	12
10/27/18	2119	421	12 Nova	40
10/28/18	0009	43	none	40
10/28/18	0453	306	10 Nova	40
10/28/18	0837	406	12 Nova	44
10/28/18	1637	406	13 Nova	44
10/28/18	2030	356	28 BAS	40
10/29/18	0002	443	13 Nova	40
10-29-18	10:30	303	11 NWA	38
10-29-18	1600	141	3 NOVA	38
10/29/18	2035	353	28 Bas	42
10/30/18	0530	189	8 Nova	42
10-30-18	0630	251	8 N	37
10-30-18	1600	379	13	38
10/30/18	2015	335	28 Bas	42
10/31/18	0438	114		39
10/31/18	0555	126	11 Nova	39
10-31-18	1534	368	13 NOVA	38
10-31-18	2055	118	28 Bas	40
10-1-18	0547	266	8 units Nova	40
11-1-18	1030	146	3 NOVA	38
11-1-18	1600	358	13 NOVA	38
11-1-18	2037	235	28 Bas	40
11-2-18	0506	287	9 Nova	40
11-2-18	1035	304	11 NOVA	31
11-2-18	1600	205	10	31
11-2-18	2040	162	28 BAS	39
11-3-18	0430	276	8 Nova	39
11-3-18	2135	181	28 Bas	39
11-4-18	0417	276	8 Nova	39
11-4-18	0830	313	10 N	37

*[Faint, illegible handwritten text, possibly bleed-through from the reverse side of the page]*

# BLOOD SUGAR LOG

Inmates Name:

Brian Hill

Date	Time	Reading	Amt of Insulin Given	Officer
11-4-18	1130	104	None Given	35
11-4-18	1345	253	8 units Novolog	35
11-4-18	1614	146	None Given	35
11-4-18	2017	311	28 Bas	39
11-5-18	1025	361	8 nova	38
11-5-18	1600	278	6 nova	38
11-5-18	2045	124	0 10 BAS	8
11-5-18	2220	124	10 BAS	8
11-6-18	0500	90	0	8
11-6-18	1100	450	16 nova	38
11-6-18	1600	298	9 nova	38
11-6-18	2120	219	12 BAS	8
11-7-18	0530	119	0	8
11-7-18	1030	523	16 nov	38
11-7-18	M12	330	10 nov	32
<del>11-7-18</del>	1546	167	3 n	37
11-7-18	2127	303	28 Bas	39
11-8-18	0438	373	12 Nova	39
11-8-18	1100	203	6 nova	38
11-8-18	1655	169	4 nova	38
11-8-18	2105	311	28 Bas	39
11-9-18	0434	298	8 Nova	39
11-9-18	1030	310	11 NOVA	38
11-9-18	1600	152	4 NVA	38
11-9-18	2045	369	28 BAS	8
11/10/18	0540	257	8 Novolog	12
11/10/18	1105	219	5 nova	33
11/10/18	1605	167	3 nova	33
11/10/18	1956	280	28 BAS	44
11/11/18	0540	167	5 Nova	8
11/11/18	1045	321	10 Novo	41





# BLOOD SUGAR LOG

Inmates Name:

Brian Hill

Date	Time	Reading	Amt of Insulin Given	Officer
11/11/18	1620	134	—	41
11/11/18	2015	350	28 BAS	8
11/12/18	0515	38	—	8
11/12/18	0525	37	8 Gave 1 Glucose Table	8
11/12/18	0743	307	11 nova	42
11/12/18	1610	43	4 nova	42
11-12-18	2010	114	28 B	37
11-13-18	0502	163	5 N	37
11-13-18	2000	329	20 B	37
11-14-18	0500			37
11-14-18	0957	229	5 Nova	40
11-14-18	1535	186	4	38
11-14-18	2102	379	28 BAS	43
11-15-18	0458	235	8 Nova	8
11-15-18	1036	126	—	38
11-15-18	1545	197	4 nova	38
11-15-18	2030	227	28	43
11-16-18	0500	46	Gave 1 Glucose Table	8
11-16-18	1030	266	9 nova	38
11-16-18	1600	113	—	38
11-17-18	0820	349	10 Nova	39
11-17-18	1631	145	3 nova	16
11-18-18	1018 1945	90 111	28 Nova	30
11-18-18	0500	57	nova	30
11-18-18	1106	251	8 Nova	16
11-18-18	1630	132	2 nova	16
11-18-18	2022	330	28 B	37
11-19-18	0500	101	7	37
11-19-18	1030	166	Gave 1/2 Glucose Tabs	38
11-19-18	1430	348	13 nova	38
11/19/18	2030	319	27	33

*[Faint, illegible handwritten text, possibly bleed-through from the reverse side of the page]*

# BLOOD SUGAR LOG

Inmates Name:

Brian Hill

Date	Time	Reading	Amt of Insulin Given	Officer
11/20/18	0445	244	8 <del>Nov</del> Nov	41
11/20/18	1050	316	8 Nov	12
11/20/18	1600	310	11 Nov	38
11/20/18	2155	335	28 Bas	35
11/21/18	0535	194	8 Nov	35
11/21/18	0930	149	—	39
11/21/18	1055	130	3 Nov	42
11/21/18	1542	246	6 Nov	39
11/21/18	2017	127	28 Bas	30
11/22/18	0835	238	5 Nov	39
11/22/18	1133	48	1 glucose tab	39
11/22/18	1548	339	10 Nov	39
11/23/18	0910	54	gave glucose TAB	25
11/23/18	1545	278	8 N	25
11/23/18	2120	257	28 Bas	41
11/24/18	0445	118	6 Nov	41
11/24/18	1111	171	3 Nov	43
11/24/18	1645	347	10 Nov	8
11/24/18	2130	269	28 Bas	41
11/25/18	0446	75	6 Nov	41
11/25/18	0926	243	6 Nov	44
11/25/18	1615	296	10 Nov	44
11/25/18	2120	304	28 Bas	41
11/26/18	0445	172	6 Nov	41
11/26/18	1035	132	2 Nov	38
11/26/18	1600	322	11 Nov	38
11/26/18	2052	280	28 Bas	39
11/27/18	0441	125	6 Nov	39
11/27/18	1100	239	6 Nov	38
11/27/18	2107	307	28 Bas	39
11/28/18	0438	260	7 Nov	39





# BLOOD SUGAR LOG

Inmates Name:

Brian Hill

Date	Time	Reading	Amt of Insulin Given	Officer
11-28-18	1030	329	11 Nova	38
11-28-18	1600	361	13 Nova	38
11-28-18	2049	286	28 Bas	40
11-29-18	0500	124	7	32
11-29-18	1030	114	0	38
11-29-18	2031	309	28 Bas	40
11-30-18	0522	111	7 Nova	40
11-30-18	1100	231	6 Nova	38
11-30-18	1700	399	13 Nova	38
11-30-18	2046	157	28 Bas	39
12-01-18	0440	165	7 Nova	39
12-01-18	1100	404	15 N	37
12-01-18	1600	72	31 N	37
12-01-18	2100	161	28 Bas	39
12-02-18	0444	<del>112</del> 112	6 Nova	39
12-02-18	1119	261	8 Nova	35
12-02-18	1609	201	3 Nova	35
12-02-18	2036	561	28 Bas, 10 Nova	39
12-03-18	0442	64	1 glucose tab	39
12-03-18	0607	140	6 Nova	39
12-3-18	1100	231	6 Nova	38
12-3-18	1530	171	3 Nova	38
12-3-18	2022	469	28 Bas/10 Nova	40
12-4-18	0442	74	6 Nova	40
12-4-18	1100	329	10 Nova	38
12-4-18	2050	220	28 Bas	44
12-5-18	0446	64	—	40
12-5-18	1100	340 <del>5</del> cm	11 Nova	38
12-5-18	1600	233	6 Nova	38
12-5-18	2143	280	Smile	16
12-6-18	0451	127	7 Nova	16

Handwritten notes, possibly a signature or initials.

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# BLOOD SUGAR LOG

Inmates Name:

Brian Hill

Date	Time	Reading	Amt of Insulin Given	Officer
12-6-18	1036	190	3 nova	38
12-6-18	<del>1530</del>	323	11 nova	38
12/6/18	2030	182	28 Bas	42
12/7/18	0440	47	<del>47</del> glucose tab	42
12/7/18	0615	86	<del>86</del> 3 nova	42
12-7-18	1030	185	3 novalog	38
12-7-18	1500	291	9 novalog	38
12-7-18	2055	353	28 Bas/2 Nov	40
12-8-18	0513	106	6 Nova	40
12/8/18	1150	149	NONE	33
12/8/18	1419	379	12 NOVA	33
12/8/18	1600	184	3 NOVA	33
12/8/18	2009	179	28 Bas	44
12/8/18	0600	110	6 Nova	44
12/9/18	1114	175	5 NOVA	33
12/9/18	1627	149	NONE	33
12/9/18	1801	324	10 NOVA	33
12/9/18	2025	124	28 Bas	44
12-10-18	0510	49	—	40
12-10-18	0620	203	6 units	43
12/10/18	1053	276	8 Nova	42
12-10-18	1628	154	5 Nova	16
12-10-18	2054	308	3/28	43
12-11-18	0515	44	6 Units	43
12-11-18	2000	322	18	37
12-11-18	0500	155	6	37
12-12-18	1100	339	10 NOVA	38
12-12-18	1559	136	5 NOVA	41
12-12-18	2143	333	28/2	43
12-13-18	0510	43	6 Units	43
12-13-18	1030	173	3 NOVA	38



*[Faint, illegible handwritten text, possibly bleed-through from the reverse side of the page]*

# BLOOD SUGAR LOG

Inmates Name: Brian Hie (December)

Date	Time	Reading	Amt of Insulin Given	Officer
12-13-18	1530	264	8 nora	38
12-13-18	2055	256	28 units	43
12-14-18	0505	188	6 units	43
12-14-18	1708	291	10 unit	16
12-14-18	2030	175	28 units Lqn.	35
12/15/18	1030	347	10 Nova	42
12/15/18	1620	160	3 Nova	42
12/15/18	2130	225	28 units	46
12/16/18	1050	240	5 Nova	42
12/16/18	1540	281	8 Nova	42
12-16-18	2000	252	28	37
12-17-18	0520	47	—	37
12-17-18	0600	119	6	37
12-17-18	1325	394	12	25
12-17-18	<del>1500</del> 2055	275	28 Lqn	41
12-18-18	0852	338	10 nora	40
12-18-18	1100	48	—	38
12-18-18	1308	220	5 nora	38
12-18-18	2030	<del>157</del> 246	28 Lqn	41
12-19-18	0525	137	6 nora	41
12-19-18	1100	146	3 nora	38
12-19-18	1520	323	10 nora	38
12-19-18	2000	303	28 L	37
12-20-18	0015	411	15 n	37
12-20-18	0520	55	—	37
12-20-18	0620	203	6	37
12-20-18	1030	197	3 nora	38
12-20-18	1600	274	8 nora	38
12-20-18	2000	<del>157</del> 266	<del>28</del> 28	37
12-21-18	0500	220	8	37
12-21-18	1130	175	3 nora	35
12-21-18	1600	300	8 nora	38
12-21-18	2031	<del>157</del> 326	26 Lqnus 3/pov	32
12-22-18	0625	334	10 nora	41

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# MARTINSVILLE CITY JAIL

## Inmate Medical Transfer Information

Inmate's Full Name: Hill, Brian David (Print) DOB: 3/23/1980 SSN: 591-98-0319

Date of Last TB Skin Test: 9.25.18 Test Results: ☒ Passed ☐ Failed

Additional Comments Reference TB Test: \_\_\_\_\_

Vital Signs: BP 121/84 Pulse 86

Current Prescribed Meds.	Amount
<u>Clonazepam 2.5 mg</u>	<u>16</u>
<u>Sertraline 50 mg</u>	<u>15</u>
<u>Nabumetone 750 mg</u>	<u>34</u>
<u>NovaLog Pens</u>	

Current Prescribed Meds.	Amount
<u>Lantus Pens</u>	

Current Medical/Dental Problems: Diabetic, Autism (Asperger Syndrome)  
↳  
Brittle Type 1

Mental Health Screening/Mental Health Problems: Sees Piedmont Community Services  
(276) 632-7128

Special Needs /Accommodations: Non specific vaccines

Medical Dispositions: None

Results of Lab. Work, X-Rays, etc.: None

Pending Appointments: None

Overall Comments: None

Officer/Medics Signature: J. Kelly Date: 12.21.18



# **EXHIBIT 4**

## **for**

NEW MEDICAL EVIDENCE IN SUPPORT OF DEFENDANT'S  
“MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL  
BASED UPON NEW EVIDENCE WHICH COULD NOT BE  
ADMISSIBLE AT THE TIME OF CONVICTION; NEW  
EVIDENCE OF SPOLIATION OF EVIDENCE COMMITTED BY  
COMMONWEALTH OF VIRGINIA; REQUEST FOR  
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,  
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING  
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA  
FOOTAGE AND IT IS LIKELY DESTROYED AND  
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON  
DAY OF CHARGE, ALSO LIKELY DESTROYED”

Commonwealth of Virginia, City of Martinsville v. Brian David Hill  
CASE NO: CR19000009-00

Friday, February 11, 2022



JUSTICEFORUSWGO.WORDPRESS.COM

RUN DATE: 9-21-2018  
RUN TIME: 6:45 AM

**MARTINSVILLE SHERIFF'S OFFICE**  
**MARTINSVILLE SHERIFF'S OFFICE**  
**MEDICAL QUESTIONS**

Name:	HILL, BRIAN D.	JailId:	302165	BookingID:	25782
Booking #:	18-000891	Date Booked:	9/21/2018 6:10:00 AM	DOB:	05/26/1990
POD:	P05	Cell:	P05C01	Bed:	BUNK-05

	YES	NO	QUESTION	ANSWER
1.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ARE YOU UNDER THE CARE OF A DOCTOR NOW? LIST	Dr christan
2.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	DO YOU HAVE ANY PAST HISTORY OF COMMUNICABLE DISEASES?	
3.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	DO YOU HAVE ANY SYMPTOMS OF ANY VENEREAL DISEASES?	
4.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RECENT ILLNESS OR INJURIES?	scraps and cuts
5.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	PRESENTLY TAKING MEDICATIONS? LIST	insulin
6.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	DO YOU HAVE THE MEDICATION WITH YOU?	
7.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ALLERGIES TO FOOD OR MEDICINES?	vaccines
8.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HISTORY OF SEIZURES?	diabetes seizures
9.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	HEART DISEASE?	
10.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	HIGH BLOOD PRESSURE?	
11.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	ASTHMA?	
12.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	DIABETES?	
13.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	HISTORY OF EXPOSURE TO TUBERCULOSIS?	
14.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	EVER HAD TEST FOR TUBERCULOSIS? DATE AND RESULT	don't know when neg
15.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	BEEN EXPOSED TO CONTAGIOUS / DANGEROUS DISEASE?	
16.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	FEVER OR CHILLS?	
17.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	DRUG ADDICTION?	
18.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	ALCOHOLISM?	
19.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	LAST TIME DRUGS OR ALCOHOL USED?	
20.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	TYPE OF DRUG OR ALCOHOL USED?	
21.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	PRIOR TREATMENT FOR DRUG OR ALCOHOL ABUSE?	
22.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	TAKE MEDICATION FOR SUBSTANCE ABUSE?	
23.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	TETANUS INOCULATION?	09-21-2018
24.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SPECIAL DIET? REASON	
25.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CURRENT ITCHING OR SKIN RASH?	
26.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	LICE OR OTHER VERMIN?	
27.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	HISTORY OF DEPRESSION? TREATMENT	
28.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	APPENDICITIS?	
29.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CANCER?	
30.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	HEPATITIS? TYPE	
31.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	STOMACH ULCERS?	
32.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	HEARING LOSS? WEAR HEARING AIDS?	
33.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	DENTURES OR PARTIAL PLATES? DENTAL	
34.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	EYE GLASSES OR CONTACT LENSES?	
35.	<input type="checkbox"/>	<input type="checkbox"/>	PREGNANT?	
36.	<input type="checkbox"/>	<input type="checkbox"/>	ANY GYNECOLOGICAL PROBLEMS?	
37.	<input type="checkbox"/>	<input type="checkbox"/>	HISTORY OF MISCARRIAGES?	
38.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NOW OR EVER HAD SEXUALLY TRANSMITTED DISEASES?	
39.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	HIV TESTING? RESULT?	
40.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	PIERCED BODY PARTS?	
41.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	LAST CHEST X-RAY DATE?	2014
42.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	PHYSICAL HANDICAP?	seizures

EXHIBIT PAGE << 67 >>



RUN DATE: 9-21-2018  
RUN TIME: 6:45 AM

**MARTINSVILLE SHERIFF'S OFFICE  
MARTINSVILLE SHERIFF'S OFFICE  
MEDICAL QUESTIONS**

Name:	HILL, BRIAN D.	JailId:	302165	BookingID:	25782
Booking #:	18-000891	Date Booked:	9/21/2018 6:10:00 AM	DOB:	05/26/1990
POD:	P05	Cell:	P05C01	Bed:	BUNK-05

43.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RESTRICTED MOBILITY?	seizures
44.	<input type="checkbox"/>	<input type="checkbox"/>	BLOOD PRESSURE	
45.	<input type="checkbox"/>	<input type="checkbox"/>	PULSE	
46.	<input type="checkbox"/>	<input type="checkbox"/>	TEMPERATURE	
47.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	USE OF PSYCOTROPIC MEDICATION?	
48.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	EVER ATTEMPTED SUICIDE? HOW LONG AGO?	2013
49.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	FAMILY HISTORY OF ARTHRITIS?	
50.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	FAMILY HISTORY OF DIABETES?	
51.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	FAMILY HISTORY OF CANCER?	
52.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	FAMILY HISTORY OF EPILEPSY?	
53.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	FAMILY HISTORY OF HEART DISEASE?	
54.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	FAMILY HISTORY OF HIGH BLOOD PRESSURE?	
55.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	FAMILY HISTORY OF TUBERCULOSIS?	
56.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	OTHER MEDICAL PROBLEMS?	
57.	<input type="checkbox"/>	<input type="checkbox"/>	INSURANCE ID #	

I CERTIFY THAT I HAVE TRUTHFULLY ANSWERED THESE QUESTIONS ABOUT MY HEALTH

INMATE SIGNATURE: Brian D. Hill DATE 09-21-2018 TIME 06:46

OFFICER SIGNATURE: A. L. DATE 09-21-2018 TIME 06:47

MEDICAL STAFF: \_\_\_\_\_ DATE \_\_\_\_\_ TIME \_\_\_\_\_



File copy -

# BRIEF JAIL MENTAL HEALTH SCREEN

## Section 1

Name: <u>Brian</u> <u>David</u> <u>Hill</u> First MI Last	Detainee #: _____	Date: <u>09/21/2018</u>	Time: <u>0610</u> AM PM
--	-------------------	-------------------------	----------------------------

## Section 2

Questions	No	Yes	General Comments
1. Do you <u>currently</u> believe that someone can control your mind by putting thoughts into your head or taking thoughts out of your head?	✓		
2. Do you <u>currently</u> feel that other people know your thoughts and can read your mind?	✓		
3. Have you <u>currently</u> lost or gained as much as two pounds a week for several weeks without even trying?	✓		
4. Have you or your family or friends noticed that you are <u>currently</u> much more active than you usually are?	✓		
5. Do you <u>currently</u> feel like you have to talk or move more slowly than you usually do?	✓		
6. Have there <u>currently</u> been a few weeks when you felt like you were useless or sinful?	✓		
7. Are you <u>currently</u> taking any medication prescribed for you by a physician for any emotional or mental health problems?	✓		
8. Have you <u>ever</u> been in a hospital for emotional or mental health problems?		✓	2013

## Section 3 (Optional)

Officer's Comments/Impressions (check <u>all</u> that apply):		
<input type="checkbox"/> Language barrier	<input type="checkbox"/> Under the influence of drugs/alcohol	<input type="checkbox"/> Non-cooperative
<input type="checkbox"/> Difficulty understanding questions	<input type="checkbox"/> Other, specify: _____	

**Referral Instructions:** This detainee should be referred for further mental health evaluation if he/she answered:

- YES to item 7; OR
- YES to item 8; OR
- YES to at least 2 of items 1 through 6; OR
- If you feel it is necessary for any other reason

☐ Not Referred

☒ Referred on 09/21/2018 to PCS

Person completing screen Ago. Moore

INSTRUCTIONS ON REVERSE

EXHIBIT PAGE << 70 >>

2141

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# MARTINSVILLE CITY JAIL / ANNEX

## TUBERCULOSIS (TB) SKIN TEST

Inmates Name: Brian Hill

Incarceration Date: 9.21.18

Last incarceration date: \_\_\_\_\_ Location: \_\_\_\_\_  
Was TB test administered? **Yes** **No** If yes, what was the result? **Passed** **Failed**

### Current Tuberculosis Skin Test

TB skin test was admin. on this date: 9.25.18  
Medics Signature: J. R. [Signature]

Lot# & Exp. Date: 304220  
Date: 04/19

TB skin test was read on this date: 9.28.18  
Medics Signature: J. R. [Signature]

Test Results: 

PASS	FAIL
<input checked="" type="checkbox"/>	<input type="checkbox"/>

	PASS	FAIL
Free of any communicable disease	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Free of open or infected wounds	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Free of medical skin rashes	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Free of physical conditions that would pose a threat to food preparation	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Individual (if applicable) has been cleared for food preparation in & around the kitchen.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:		



medical copy

# REQUEST FOR INTERVIEW

During a persons incarceration there are times a person may feel the need for a special interview and whom they need to speak with about that request. Check the department that describes your request.

- ☐ CLASSIFICATION DEPT. - Issues relating to your record /file status.
- ☐ SHIFT SUPERVISOR - Issues concerning jail rules, property issues, or other issues not related to any other departments listed.
- ☐ INMATE ACCOUNTS DEPT. - Issues concerning inmate canteen, inmate disbursements, and the balance of your account.
- ☒ MEDICAL DEPT. - Questions concerning medical treatment, appointments, and prescriptions.
- ☐ HOME ARREST (Electronic Ankle Device Tracking System)

## PROGRAMS

- ☐ DRUG / ALCOHOL COUNSELING / CLEAN START
- ☐ GOOD NEWS JAIL MINISTRY
- ☐ G.E.D.
- ☐ LIFE SKILLS CLASS
- ☐ VA CARES PROGRAM

For all emergency requests, please use the proper form which is the Emergency Request For Review Form.

\*\*\*\*\*

I request an interview for the purpose of discussing:

I am requesting records under the Virginia Freedom of Information Act law. All records requested concern myself. Brian David Hill, date of birth May 26, 1990. I am requesting a copy of my diabetic blood sugar/glucose readings list/logs. Some may call it a diabetic flow sheet. The date range from September 21, 2018 up till date of this request. I authorize release of records concerning myself under federal C.R. to myself.

Print Inmate Name: Brian David Hill IL-7 9-30, 2018

Housing Unit# \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

Results of interview: There is a fee for Freedom of Information Act. You can have your attorney get a Subpoena duces Tecum

Officer Signature: \_\_\_\_\_

*[Handwritten Signature]*





# MARTINSVILLE CITY JAIL

Inmate's Name: Brian David Hill Date: 10 / 06 / 2018

Housing Unit Number: 8

Medical Visit Request to see the Jail Medic \_\_\_\_\_ Jail Physician ✓

What is your current medical problem requiring medical attention?

I need to get a blood drawn to test for candida yeast or fungus. I've had exhibited symptoms and have suspected it but never tested for it. Also I have carpal tunnel due to all the typing in the outside work. My wrist hurt this morning.

Thank You

Inmate's Signature: Brian D. Hill  
Signed

**There will be a charge to your account for the visit plus additional fees for services rendered. The medical dept. reserves the right to handle medical request that do not require a visit to the jail physician.**

**DO NOT WRITE BELOW THIS LINE**

**MEDICAL PERSONNEL ONLY**

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ Vital Signs: BP \_\_\_\_\_ Pulse \_\_\_\_\_ Temp. \_\_\_\_\_

## MEDICAL NOTES:

Captain Davis spoke w/ Mr. Hill on  
10-09-2018 - Yeast and/or Fungus  
NOT tested by drawn blood -



Piedmont Community  
Services

CREDIBLE

log out

Logged in as: cdaum

- Overview
- Profile
- Individual Ext
- Team
- Episodes
- Dashboard
- 1st Available
- Add Visit
- Allergy
- Attachments
- Authorization
- Bed Assign
- Claims
- Clinical Support
- Contacts
- Diagnosis
- Ext Provider
- Family
- Form Groups
- Immunizations
- Insurance
- Medical Profile

Problem List: BRIAN HILL (174826) DOB: 05/26/1990 (28 / 1)

Effective Date: 10/24/2018 12:00 AM

Date C

## Problem List (DSM 5 / ICD10)

- 1 (F42.9) Obsessive-compulsive disorder, unspecified
- 2 (F84.0) Autistic disorder
- 3 (F29) Unspecified psychosis not due to a substance or know
- 4 (F41.1) Generalized anxiety disorder

New

WHODAS 2.0 General Disability Raw Score: Avg Score:

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Edition, Copyright 1994 by the American Psychiatric Association. All rights reserved. No part may be reproduced or used in a manner inconsistent with the copyright notice.



Medications

Print

**MEDICATIONS for BRIAN HILL (174826) - Date of Birth: 5/26/1990**

Client Allergy Reaction

vaccines unknown vaccines and reactions  
Zantac

Medication	Dosage	Provider	Rationale	Status	Start Date	Chg Date
Insulin aspart U-100 100 unit/mL subcutaneous solution				CONCURRENT	10/24/2018	
	Quantity:	Refills:	Instructions:		Comments:	
olanzapine 2.5 mg tablet	Take 1 Caplet By Oral Route 1 time at bedtime for mood swings	CONRAD DAUM		ELECTRONIC - PENDING	10/24/2018	
Pharmacy: Cavalier Pharmacare	Quantity: 30	Refills: 3	Instructions: for mood swings		Comments: martinsville jail inmate	
sertraline 50 mg tablet	Take 1 Caplet By Oral Route 1 time after breakfast for anxiety	CONRAD DAUM		ELECTRONIC - PENDING	10/24/2018	
Pharmacy: Cavalier Pharmacare	Quantity: 30	Refills: 3	Instructions: for anxiety		Comments: Martinsville jail inmate	

Medication Notes

Last Review Date: 10/24/2018  
Reviewed By: Conrad Daum  
Order Meds/History: reconciled 10/24/18  
Drug Allergies: == list





# FAX

Date: 11/6/2018

Page 1 of: 6

**TO Martinsville Va Sheriff**

Name: Steve M. Draper  
Fax Number: 276-403-5286

**FROM Brian David Hill's Family**

Name: Stella & Ken Forinash (Grandparents)  
Contact Number: Home phone: 276-632-2599

**SUBJECT**

☐ Urgent

☐ Please Reply

**BRIAN DAVID HILL – Brian is a brittle type 1 insulin dependent diabetic & has autism & OCD**

## MESSAGE

We sent a fax to Dinah Davis, Administration at the Martinsville, VA jail on 10/23/2018 explaining the importance of Brian receiving all of the insulin that he has been receiving since he was 21 months of age (1992). We are sending a copy of that fax to you. We also sent that fax to Dr. Isernia's office explaining that Brian is a brittle diabetic. 90-95% diabetics are type 2. 5-10% diabetics are type 1 & require insulin shots. 3 out of 1000 type 1 insulin dependent diabetics have brittle diabetes. This is a rare type of diabetes that many doctors don't see.

After the episode at the jail last night (11-5-2018), we decided that it's very important to re-send this fax along with the letter explaining more about Brian's type of diabetes and his insulin requirements. Apparently, your system is that if an officer decides not to give Brian his 24 hour insulin shot when his blood glucose is 126, that's up to him or her to decide. No one apparently informed Officer Cooper that the long acting insulin starts 4 hours later, and Brian has to have this insulin each day. It is the rapid insulin (novalog) that he would not give to Brian when the glucose is good. Has anyone asked the doctor what to do if it is 9:00pm, and Brian's blood glucose is in the 300 to 400 range or higher? This is the time they give Brian his long acting insulin shot apparently. Has the medical staff talked to the jail staff about the importance of balancing night time snacks with the insulin to avoid low readings the next morning?

Because of Brian's autism and knowing he always gets that shot each day, it also upset the autism. We really believe the jail staff are concerned and want to do right by Brian but are confused about the insulin and snacks. We have reduced the 5 pages explaining Brian's type of diabetes, insulin and snacks from 5 pages to 4.





# FAX

Date: 10/23/2018

Page 1 of: 6

**TO Administration at the Martinsville, VA Jail**

Name: Dinah Davis

Fax Number: 276-403-5286

**FROM Brian David Hill's Family**

Name: Stella & Ken Forinash

Contact Number: home phone: 276-632-2599

**SUBJECT**

☒ Urgent

☐ Please Reply

**BRIAN DAVID HILL - Brian is a brittle type 1 diabetic who has autism & OCD**

## MESSAGE

Brian's family has just found out that there is at least one time in this jail that Brian was not given any breakfast insulin at all. It was checked 5 hours later and his glucose was over 400 which meant that he was suffering a lot with frequent urination upsetting his ocd routines and other bad side effects. Are you aware that Brian has the rare brittle diabetes which could be fatal without the proper care and requires at least 4 insulin shots per day? He also has human and constitutional rights to the proper medical care. He needs to be checked for ketones today. Giving Brian the proper medical care will also make things easier on the jail staff. They have a very hard job and now a new burden has been added to their daily work schedule. Brian also suffers from carpal tunnel syndrome and needs a carpal tunnel wrist splint. He has dry skin with eczema and needs lotion for that. He is a patient at the Carilion Clinic; Phone #276-670-3300. Sent a copy of this fax to Dr. Isernia's office this morning.

Brian's grandma has written a 5 page PDF to help the administration and the medical staff to understand Brian's health better. He has severe diabetes with autism, OCD and many other problems. He is very smart. Thank you for your time reading this 5 page PDF and for helping Brian with his medical needs. Please call to let us know you received this fax. We can send faxes but not receive them.

Thank you,  
Stella & Ken Forinash



## Brian D Hill Brittle Diabetes, Autism, OCD

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Brian takes insulin on a sliding scale based on carbs. He has always had a huge appetite and most of the time eats all of his food. Since 1992 he has insulin shots 4 – 5 times each day: 3 short acting insulin shots with his 3 daily meals and 1 long acting insulin shot per day. He might need to have a urine check for ketones. Types of insulin:

<https://www.endocrineweb.com/conditions/type-1-diabetes/type-1-diabetes-insulin>

**Rapid-acting Insulin:** This type of insulin takes effect **within 15 minutes**, and you take it right before a meal. In someone without type 1 diabetes, the body releases insulin when they eat; it's the insulin that should help them process and use the carbohydrates in the food. That release of insulin at mealtime is called the *bolus secretion*. Rapid-acting insulin imitates the bolus secretion. It peaks within 30 to 90 minutes, and its effects last for three to five hours.

**Long-acting Insulin:** Similar to intermediate-acting insulin, long-acting insulin replicates the basal secretion. Long-acting insulin lasts for **20-24 hours**, so you take it once a day. This type takes the longest amount of time to start working. The insulin can take up to **4 hours** to get into your bloodstream. **Long-acting insulins don't peak like short-acting insulins — they can control blood sugar for an entire day.** This is similar to the action of insulin normally produced by your pancreas to help control blood sugar levels between meals. Long-acting insulins are also called basal or background insulins. They keep working in the background to keep your blood sugar under control throughout your daily routine.

### TYPE 1 INSULIN DEPENDENT DIABETES:

<https://beyondtype1.org/type-1-diabetes/>

Type 1 diabetes, which was formerly known as juvenile diabetes, is a chronic autoimmune condition that makes the body unable to produce insulin, which is the hormone that regulates blood sugar. Without insulin, our bodies cannot use the sugar in our bloodstream as energy, causing people to experience Diabetic ketoacidosis (**DKA**).

### What are symptoms of Type 1 diabetes?

There are many signs or symptoms that can be present when someone has undiagnosed or untreated diabetes. Here are a few of those symptoms: Unquenchable thirst, Frequent urination, Unexplained bedwetting, Unwanted or unexplained weight loss, Less energy, Fruity smelling breath, Blurry vision, Stomach pain, Nausea or vomiting, Loss of consciousness, Rapid, heavy breathing, etc.

### Mental health:





## Brian D Hill Brittle Diabetes, Autism, OCD

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<https://beyondtype1.org/mental-health/>

**Type 1 diabetes** affects more than just the physical. It's emotionally taxing and tests our constitutions daily. Whether you have Type 1 or are a caregiver for someone who has it, you should know first that you are not alone. Remember, too, that a big and important part of taking care of yourself, is nurturing the mind and spirit. We are just beginning to explore what that means through our own extensive research as well as by consulting experts from a wide range of disciplines. We're on the search to discover what contributes to a healthy mental state and how one can achieve a balanced life.

If you have Type 1 diabetes or are caring for someone who does, it is likely that you or your loved one will experience any of the following: **stress**, **diabetes distress**, **burnout**, **diabulimia** and/or **depression**.

### **ANXIETY + DIABETES**

<https://beyondtype1.org/anxiety-diabetes/>

Type 1 Diabetes care requires 24 hours 7 days a week:

<https://beyondtype1.org/caregiver-burnout/>

5 to 10% of Diabetics have Type 1 Insulin dependent. 90 – 95% have Type 2 diabetes (controlled by diet, pills and sometimes a small amount of insulin).

### **BRITTLE DIABETES**

[https://beyondtype1.org/what-is-brittle-diabetes/?gclid=FAJajQobChMI4q-N47ec3gIVWFuGCh0kKwWIEAAYASAAEgLVlD\\_BwE](https://beyondtype1.org/what-is-brittle-diabetes/?gclid=FAJajQobChMI4q-N47ec3gIVWFuGCh0kKwWIEAAYASAAEgLVlD_BwE)

#### **What is Brittle Diabetes?**

Brittle diabetes is a rare form of insulin-dependent diabetes and is marked by frequent and severe episodes of **hypoglycemia** and/or **hyperglycemia(DKA)**. This instability of blood sugar levels often leads to hospitalization and necessitates frequent self-monitoring of blood glucose, the use of an **insulin pump** and a continuous glucose monitoring device (**CGM**). In rare cases, a pancreas transplant may be necessary.

Go to this website to read, listen to or learn more about brittle type I diabetes: <https://rarediseases.info.nih.gov/diseases/11900/brittle-diabetes>

U.S. Dept of Health & Human Services 1-888-205-2311 Genetic and Rare Diseases Information Center.



Brittle diabetes is a term that is sometimes used to describe hard-to-control diabetes (also called labile diabetes). It is characterized by wide variations or "swings" in blood glucose (sugar) in which blood glucose levels can quickly move from too high (hyperglycemia) to too low (hypoglycemia). These episodes are hard to predict and can disrupt quality of life. They can require frequent or lengthy hospitalizations and can be fatal. People with type 1 diabetes are at greatest risk. While many people with type 1 diabetes experience hypoglycemia, only a small proportion of people with type 1 diabetes experience the frequent blood glucose swings described as "brittle."

**NOTE: Brian David Hill in addition to being a brittle type one diabetic from the age of 1 (almost 2) also has AUTISM & severe OCD. He was prescribed an insulin pump a few years ago but refused to wear it due to his hours long OCD shower routine. Brian is 28 years old now and has never done illegal drugs or alcohol. His mom has been his caregiver from birth to 28 years. She (Roberta Hill) can explain more to you about Brian and his particular type of brittle diabetes. When he was a child, his endocrinologist (diabetic specialist), Dr. Stephen A. South ((336) 621-8911) and neurologist, Dr. William H. Hickling ((336) 271-3331) described that his diabetes and autism worked against each other which could explain why he has been a brittle diabetic for 26 years plus another hospital noted that emotional stress caused his glucose to go up.**

#### **What causes Brittle diabetes?**

There can be many causes of Brittle diabetes, but here are some of the most frequent ones (**NIH**): Emotional stress, Hormonal imbalance, Poor personal care, Malabsorption (when your small intestine cannot absorb nutrients from foods), Autonomic neuropathy complications (such as delayed gastric emptying), Celiac disease, Hypothyroidism, Adrenal insufficiency, systemic insulin resistance, abnormal insulin absorption, Impaired glucose counter-regulation (the patient's body doesn't react predictably when blood glucose levels drop), etc.

#### **Who does it affect?**

Brittle diabetes primarily affects those with Type 1 diabetes and is most common in women in their 20s and 30s, but can occur in men as well and at any age. It affects 3/1000 insulin-dependent individuals (**NCBI**).





## LOW BLOOD SUGAR - HYPOGLYCEMIA

\*\*\*Along with the proper amount of INSULIN, a person with brittle diabetes also need a supply of **glucose tabs, juice**, sweetened drinks (coke) and sugar snacks due to Low blood sugar, also known as hypoglycemia, can be a dangerous condition.

### What are the symptoms of low blood sugar?

Symptoms of low blood sugar can occur suddenly. They include: blurry vision, rapid heartbeat, sudden mood changes, sudden nervousness, unexplained fatigue, pale skin, headache, hunger, shaking, dizziness, sweating, difficulty sleeping, skin tingling, trouble thinking clearly or concentrating, loss of consciousness, seizure, coma

**People with hypoglycemic unawareness** do not know their blood sugar is dropping. If you have this condition, your blood sugar can drop without you noticing it. Without immediate treatment, you can faint, experience a seizure, or even go into a coma.

TREATMENT for HYPOGLYCEMIC: Very low blood sugar is a medical emergency. If someone you know has diabetes and they're experiencing mild to moderate symptoms, have them eat or drink 15 grams of easily digestible carbohydrates, such as:

- half a cup of juice or regular soda, 1 tablespoon of honey, 4 or 5 saltine crackers
- 3 or 4 pieces of hard candy or glucose tablets, 1 tablespoon of sugar

If someone is having a severe reaction, such as unconsciousness, it's important to administer a medication called **glucagon** and contact emergency services immediately.

Roberta Hill (Brian's mother)

310 Forest St. Apt 1 Martinsville, VA 24112; Phone number 276-790-3505 email  
[rbhill67@yahoo.com](mailto:rbhill67@yahoo.com)

Stella & Ken Forinash (Brian's grandparents)

201 Greyson St., Martinsville, VA 24112 Phone # 276-632-2599 email  
[kenstella@comcast.net](mailto:kenstella@comcast.net)



# **EXHIBIT 5**

## **for**

NEW MEDICAL EVIDENCE IN SUPPORT OF DEFENDANT'S  
“MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL  
BASED UPON NEW EVIDENCE WHICH COULD NOT BE  
ADMISSIBLE AT THE TIME OF CONVICTION; NEW  
EVIDENCE OF SPOLIATION OF EVIDENCE COMMITTED BY  
COMMONWEALTH OF VIRGINIA; REQUEST FOR  
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,  
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING  
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA  
FOOTAGE AND IT IS LIKELY DESTROYED AND  
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON  
DAY OF CHARGE, ALSO LIKELY DESTROYED”

Commonwealth of Virginia, City of Martinsville v. Brian David Hill  
CASE NO: CR19000009-00

Friday, February 11, 2022



JUSTICEFORUSWGO.WORDPRESS.COM

# **FAX**

**Date:** 10/23/18

**To:** CITY OF MARTINSVILLE PRISON FARM

**Attention To:**

**From:** MARTINSVILLE FP IM

**Phone Number:** 276-670-3300

**Comments:** Office note, medication list and labs faxed to Martinsville City Jail at 403-5101

\*\*\*\*\*

NOTE: The information contained in this facsimile message is privileged and confidential information and intended for the use of the addressee listed above. If you are neither the intended recipient or the employee or agent responsible for delivering this information to the intended recipient, you are hereby notified that any disclosure, copying, distribution, or taking of any action in reliance on the content of this faxed information is strictly prohibited.

The recipient of this patient information is prohibited from re-disclosure to any other party, and is required to destroy the information after the stated need has been fulfilled. If you have received this information in error, please immediately notify us by phone at the above number.





Hill, Brian David  
MRN: 7244793, DOB: 5/26/1990, Sex: M

### Current Medications as of 10/23/2018 4:30 PM

#### Outpatient Medications

	Quantity	Refills	Start	End
<b>insulin aspart U-100 (NOVOLOG FLEXPEN U-100 INSULIN) 100 unit/mL Insulin Pen</b>	15 mL	1	9/18/2018	
Sig : INJECT 1 UNIT PER 7 GM OF CARB PLUS ADJUSTMENT BASED ON THE FORMULA BS-120/30				
Route: (none)				
Class: ePrescribe				
<b>BASAGLAR KWIKPEN U-100 INSULIN 100 unit/mL (3 mL) Insulin Pen</b>	15 mL	1	8/20/2018	
Sig : INJECT 28 UNITS UNDER THE SKIN EVERY NIGHT AT BEDTIME				
Route: (none)				
<b>glucose blood VI test strips (FREESTYLE INSULINX TEST STRIPS) Strip</b>	200 Strip	1	7/30/2018	
Sig : 1 Strip by external route four times daily				
Route: external				
Comment: Dx code E10.49				
Class: ePrescribe				
<b>Tacrolimus 0.03 % Ointment</b>	60 g	11	6/13/2018	
Sig : 1 Application by Topical route two times daily For eczema				
Route: Topical				
Class: ePrescribe				
<b>BD ULTRA-FINE MINI PEN NEEDLE 31 gauge x 3/16" Needle</b>	200 Each	3	5/17/2018	
Sig : USE FOUR TIMES DAILY AS DIRECTED				
Route: (none)				
<b>dicyclomine (BENTYL) 10 mg Capsule</b>				
Sig : take 10 mg by mouth three times daily				
Route: Oral				
Class: Historical Med				

#### Reason for Visit

Follow-up

dm

### Medical History

#### Medical as of 1/3/2018

##### Past Medical History

Diagnosis	Date	Comments	Source
Asperger syndrome [F84.5]	3/20/2013	—	Provider
Autism [F84.0]	3/20/2013	—	Provider
Confusion [R41.0]	—	—	Provider
Diabetes (HCC) [E11.9]	—	—	Provider
Diabetes mellitus [250 (ICD-9-CM)]	—	—	Provider
Dizziness [R42]	—	—	Provider
DM (diabetes mellitus) (HCC) [E11.9]	11/14/2012	—	Provider
Dry skin dermatitis [L85.3]	11/14/2012	—	Provider
GERD (gastroesophageal reflux disease) [K21.9]	11/14/2012	—	Provider
OCD (obsessive compulsive disorder) [F42.9]	3/20/2013	—	Provider
Seizure disorder (HCC) [G40.909]	3/20/2013	—	Provider
Snoring [R06.83]	—	—	Provider

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MARTINSVILLE FP IM  
1107A BROOKDALE  
STREET

Hill, Brian David  
MRN: 7244793, DOB: 5/26/1990, Sex: M  
Encounter date: 1/3/2018

### Medical as of 1/3/2018 (continued)

Syncope [R55]

Provider

### Surgical History

#### Surgical as of 1/3/2018

##### Past Surgical History

Procedure	Laterality	Date	Comments	Source
HYPOSPADIUS REPAIR, 1ST STAGE [54304]	—	—	—	Provider
HX WISDOM TEETH EXTRACTION [SHX21]	—	03/2017	—	Provider
COLONOSCOPY, BIOPSY [45380]	N/A	6/15/2017	Procedure: COLONOSCOPY (ENDO) W/BIOPSY SINGLE OR MULTIPLE; Surgeon: Mercure, Kevin B, MD; Location: CRCH ENDOSCOPY	Provider
UPPER GI ENDOSCOPY, BIOPSY [43239]	N/A	6/15/2017	Procedure: EGD (ENDO) ESOPHAGOGASTRODUODENOSCOPY W/BIOPSY SINGLE OR MULTIPLE; Surgeon: Mercure, Kevin B, MD; Location: CRCH ENDOSCOPY	Provider

#### Problem List as of 1/3/2018

Reviewed: 1/3/2018 5:05 PM by Balakrishnan, Shyam E, MD

	ICD-10-CM	Priority	Class	Noted - Resolved
DM (diabetes mellitus), type 1, uncontrolled w/neurologic complication (HCC) (Chronic)	E10.49, E10.65			11/14/2012 - Present Entered by Faraj, Twana H, MD
GERD (gastroesophageal reflux disease)	K21.9			11/14/2012 - Present Entered by Faraj, Twana H, MD
Dry skin dermatitis	L85.3			11/14/2012 - Present Entered by Faraj, Twana H, MD
Seizure disorder (HCC)	G40.909			3/20/2013 - Present Entered by Faraj, Twana H, MD
Autism	F84.0			3/20/2013 - Present Entered by Faraj, Twana H, MD
Asperger syndrome (Chronic)	F84.5			3/20/2013 - Present Entered by Faraj, Twana H, MD
OCD (obsessive compulsive disorder)	F42.9			3/20/2013 - Present Entered by Faraj, Twana H, MD
Hypoglycemia	E16.2			9/2/2016 - Present Entered by Herodotou, Demetrios
Functional diarrhea	K59.1			12/28/2016 - Present Entered by Herodotou, Demetrios
Internal hemorrhoids	K64.8			6/15/2017 - Present Entered by







MARTINSVILLE FP IM  
1107A BROOKDALE  
STREET

Hill, Brian David  
MRN: 7244793, DOB: 5/26/1990, Sex: M  
Encounter date: 1/3/2018

# Problem List (continued) as of 1/3/2018

Reviewed 1/3/2018 5:05 PM by Balakrishnan, Shyam E, MD

	ICD-10-CM	Priority	Class	Noted - Resolved
Brittle diabetes (HCC)	E10.9			Mercure, Kevin B, MD 9/22/2017 - Present Entered by Herodotou, Demetrios

## ALL AMBULATORY NOTES

### Progress Notes

Author: Balakrishnan, Shyam E, MD  
Filed: 1/5/2018 5:11 PM  
Editor: Balakrishnan, Shyam E, MD (Physician)

Specialty: Family Medicine  
Encounter Date: 1/3/2018

Author Type: Physician  
Status: Signed

### Subjective:

Patient ID: Brian David Hill is an 27 y.o. male.

### Chief Complaint:

Chief Complaint  
Patient presents with

- Follow-up  
dm

### Follow-up

Pertinent negatives include no abdominal pain, chest pain, chills, coughing, fever, headaches, myalgias or rash.

Notes blood sugar are improving. Seen Dr Herodotou, endo.a1c is down.

Diarrhea, irritable bowel, improved. No red flags. Denies abdominal pain, blood, mucus in stool, fever, chills, nausea.

Been stable. He did come to know that aunt had celiac disease and would like to be screened for that

Asperger. Stable. No agitation, suicidal or homicidal ideation.

### Past Medical History:

#### Diagnosis

	Date
• Asperger syndrome	3/20/2013
• Autism	3/20/2013
• Confusion	
• Diabetes (HCC)	
• Diabetes mellitus	
• Dizziness	
• DM (diabetes mellitus) (HCC)	11/14/2012
• Dry skin dermatitis	11/14/2012
• GERD (gastroesophageal reflux disease)	11/14/2012
• OCD (obsessive compulsive disorder)	3/20/2013
• Seizure disorder (HCC)	3/20/2013
• Snoring	
• Syncope	





MARTINSVILLE FP IM  
1107A BROOKDALE  
STREET

Hill, Brian David  
MRN: 7244793, DOB: 5/26/1990, Sex: M  
Encounter date: 1/3/2018

### ALL AMBULATORY NOTES (continued)

#### Progress Notes (continued)

##### Past Surgical History:

##### Procedure

Procedure	Laterality	Date
• COLONOSCOPY, BIOPSY <i>Procedure: COLONOSCOPY (ENDO) W/BIOPSY SINGLE OR MULTIPLE; Surgeon: Mercure, Kevin B, MD; Location: CRCH ENDOSCOPY</i>	N/A	6/15/2017
• HX WISDOM TEETH EXTRACTION		03/2017
• HYPOSPADIUS REPAIR, 1ST STAGE		
• UPPER GI ENDOSCOPY, BIOPSY <i>Procedure: EGD (ENDO) ESOPHAGOGASTRODUODENOSCOPY W/BIOPSY SINGLE OR MULTIPLE; Surgeon: Mercure, Kevin B, MD; Location: CRCH ENDOSCOPY</i>	N/A	6/15/2017

##### Family History

##### Problem

- Hypertension
- Diabetes
- Cancer

##### Relation

Mother  
Maternal Grandmother  
Neg Hx

##### Age of Onset

##### Current Outpatient Prescriptions

Medication	Sig	Dispense	Refill
• glucose blood VI test strips (FREESTYLE INSULINX TEST STRIPS) Strip	1 Strip by external route four times daily	150 Strip	5
• insulin aspart (NOVOLOG FLEXPEN) 100 unit/mL Insulin Pen	INJECT 1 UNIT PER 7 GRAMS OF CARB PLUS ADJUSTMENT	15 mL	3
• BD INSULIN PEN NEEDLE UF MINI 31 gauge x 3/16" Needle	USE FOUR TIMES DAILY AS DIRECTED	200 Each	1
• BASAGLAR KWIKPEN 100 unit/mL (3 mL) Insulin Pen	INJECT 28 UNITS UNDER THE SKIN EVERY NIGHT	15 mL	3
• dicyclomine (BENTYL) 10 mg Capsule	take 10 mg by mouth three times daily		
• BD INSULIN SYRINGE ULTRA-FINE 0.5 mL 31 gauge x 5/16 Syringe	1 Each by Subcutaneous route four times daily	100 Syringe	3
• Insulin Needles, Disposable, (BD INSULIN PEN NEEDLE UF SHORT) 31 gauge x 5/16" Needle	1 Units by Does not apply route four times daily	100 Each	6
• Blood-Glucose Meter (ACCU-CHEK AVIVA PLUS METER) Misc	1 Device by Does not apply route three times daily	1 Each	0
• Insulin Syringe-Needle U-100 (BD INSULIN SYRINGE ULTRA-FINE) 1 mL 30 x 1/2" Syringe	1 Each by Does not apply route four times daily	100 Each	6

No current facility-administered medications for this visit.

##### Allergies

##### Allergen

- Anesthetic [Benzocaine-Aloe Vera]  
*Resident gets out of control*
- Hydrocodone-Acetaminophen  
*Uncontrolled hiccups*
- Vaccine Adjuvant Emulsion Combination No. 1  
*Resident stated he gets out of control*
- Zantac [Ranitidine Hcl]

##### Reactions

Other - See Comments

Other - See Comments

Diarrhea





MARTINSVILLE FP IM  
1107A BROOKDALE  
STREET

Hill, Brian David  
MRN: 7244793, DOB: 5/26/1990, Sex: M  
Encounter date: 1/3/2018

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**ALL AMBULATORY NOTES (continued)**

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**Progress Notes (continued)**

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**Social History****Social History**

- Marital status: Single
- Spouse name: N/A
- Number of children: 0
- Years of education: N/A

**Occupational History**

- unemployed, never worked.

**Social History Main Topics**

- Smoking status: Never Smoker
- Smokeless tobacco: Never Used
- Alcohol use: No
- Drug use: No
- Sexual activity: Not on file

**Other Topics**

- Not on file

Concern

**Social History Narrative**

- No narrative on file

**Review of Systems**

Constitutional: Negative for chills and fever.

Eyes: Negative for blurred vision.

Respiratory: Negative for cough and shortness of breath.

Cardiovascular: Negative for chest pain.

Gastrointestinal: Positive for constipation and diarrhea. Negative for abdominal pain, blood in stool and melena.

Genitourinary: Negative for dysuria.

Musculoskeletal: Negative for myalgias.

Skin: Negative for rash.

Neurological: Negative for dizziness, sensory change and headaches.

Psychiatric/Behavioral: Negative for depression.

**Objective:**

BP 114/62 | Pulse 94 | Temp 98.3 °F (36.8 °C) (Oral) | Ht 1.753 m (5' 9") | Wt 88.5 kg (195 lb 3.2 oz) | SpO2 98% | BMI 28.83 kg/m<sup>2</sup>

Body mass index is 28.83 kg/m<sup>2</sup>.

**Physical Exam**

Constitutional: No distress.

**HENT:**

Head: Normocephalic and atraumatic.

Neck: No thyromegaly present.

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MARTINSVILLE FP IM  
1107A BROOKDALE  
STREET

Hill, Brian David  
MRN: 7244793, DOB: 5/26/1990, Sex: M  
Encounter date: 1/3/2018

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**ALL AMBULATORY NOTES (continued)****Progress Notes (continued)**

Cardiovascular: Normal rate, regular rhythm and normal heart sounds.  
Pulmonary/Chest: Effort normal and breath sounds normal. He has no wheezes. He has no rales.  
Abdominal: Soft. Bowel sounds are normal. There is no tenderness.  
Neurological: He is alert. He displays normal reflexes.  
Skin: Skin is warm and dry. He is not diaphoretic.  
Psychiatric: Mood and affect normal.

**Assessment:****Encounter Diagnosis**

	ICD-10-CM	
1. Diarrhea, unspecified type	R19.7	TISSUE TRANSGLUTAMINASE IGA AB (G463)
2. Uncontrolled type 1 diabetes with diabetic neuropathy (HCC)	E10.40	
	E10.65	
3. Asperger syndrome	F84.5	

**Plan:****1. DM (diabetes mellitus)**

Unstable. Improving. Last a1c 7.9. Less lows. Continue current regimen as recommended by endo  
Continue close monitoring and follow up with endo

**2. Irritable bowel. Stable. Continue current regimen**

If abd pain, fever, nausea, blood/mucus in stool- seek immediate medical attention.  
Will order TTGA

**3. Asperger. Stable. If any agitation, suicidal /homicidal ideation. Should seek immediate attention**

Shyam E Balakrishnan, MD

Electronically signed by Balakrishnan, Shyam E, MD at 1/5/2018 5:11 PM

**Encounter-Level Documents:**

There are no encounter-level documents.

**Vitals**







MARTINSVILLE FP IM  
1107A BROOKDALE  
STREET

Hill, Brian David  
MRN: 7244793, DOB: 5/26/1990, Sex: M  
Encounter date: 1/3/2018

## Vitals (continued)

BP 114/62	Pulse 94	Temp 98.3 °F (36.8 °C) (Oral)	Ht 1.753 m (5' 9")	Wt 88.5 kg (195 lb 3.2 oz)
--------------	-------------	----------------------------------	-----------------------	-------------------------------

SpO2  
98%

## BMI Data

Body Mass Index: 28.83 kg/m<sup>2</sup>      Body Surface Area: 2.08 m<sup>2</sup>

## Encounter Medications as of 1/3/2018

## Outpatient Medications

	Quantity	Refills	Start	End
<b>glucose blood VI test strips (FREESTYLE INSULINX TEST STRIPS) Strip (Discontinued)</b> Sig : 1 Strip by external route four times daily Route: external Comment: Dx code E10.49 Reason for Discontinue: Reorder Class: ePrescribe	150 Strip	5	12/22/2017	7/30/2018
<b>insulin aspart (NOVOLOG FLEXPEN) 100 unit/mL Insulin Pen (Discontinued)</b> Sig : INJECT 1 UNIT PER 7 GRAMS OF CARB PLUS ADJUSTMENT Route: (none) Reason for Discontinue: Reorder Class: ePrescribe	15 mL	3	12/14/2017	4/2/2018
<b>BD INSULIN PEN NEEDLE UF MINI 31 gauge x 3/16" Needle (Discontinued)</b> Sig : USE FOUR TIMES DAILY AS DIRECTED Route: (none) Reason for Discontinue: Reorder Class: ePrescribe	200 Each	1	10/16/2017	5/16/2018
<b>BASAGLAR KWIKPEN 100 unit/mL (3 mL) Insulin Pen (Discontinued)</b> Sig : INJECT 28 UNITS UNDER THE SKIN EVERY NIGHT Route: (none) Reason for Discontinue: Reorder Class: Historical Med	15 mL	3	10/11/2017	2/6/2018
<b>dicyclomine (BENTYL) 10 mg Capsule</b> Sig : take 10 mg by mouth three times daily Route: Oral Class: Historical Med				
<b>BD INSULIN SYRINGE ULTRA-FINE 0.5 mL 31 gauge x 5/16 Syringe (Discontinued)</b> Sig : 1 Each by Subcutaneous route four times daily Route: Subcutaneous DAW: Yes Reason for Discontinue: Duplicate Class: ePrescribe	100 Syringe	3	6/6/2016	7/31/2018
<b>Insulin Needles, Disposable, (BD INSULIN PEN NEEDLE UF SHORT) 31 gauge x 5/16" Needle (Discontinued)</b> Sig : 1 Units by Does not apply route four times daily Route: Does not apply Reason for Discontinue: Duplicate Class: ePrescribe	100 Each	6	4/26/2016	7/31/2018
<b>Blood-Glucose Meter (ACCU-CHEK AVIVA PLUS METER) Misc (Discontinued)</b> Sig : 1 Device by Does not apply route three times daily Route: Does not apply Reason for Discontinue: Therapy Completed Class: ePrescribe	1 Each	0	12/19/2014	7/31/2018
<b>Insulin Syringe-Needle U-100 (BD INSULIN SYRINGE ULTRA-FINE) 1 mL 30 x 1/2" Syringe (Discontinued)</b> Sig : 1 Each by Does not apply route four times daily Route: Does not apply Reason for Discontinue: Duplicate Class: ePrescribe	100 Each	6	11/18/2014	7/31/2018

All Orders





MARTINSVILLE FP IM  
1107A BROOKDALE  
STREET

Hill, Brian David  
MRN: 7244793, DOB: 5/26/1990, Sex: M  
Encounter date: 1/3/2018

## All Orders (continued)

## TISSUE TRANSGLUTAMINASE IGA AB (G463)

Electronically signed by: Balakrishnan, Shyam E, MD on 01/03/18 1641

Ordering user: Balakrishnan, Shyam E, MD 01/03/18 1641

Authorized by: Balakrishnan, Shyam E, MD

Frequency: 01/03/18 -

Diagnoses

Diarrhea, unspecified type [R19.7]

Ordering provider: Balakrishnan, Shyam E, MD

Status: Completed

## All Results

No results found

## Allergies as of 1/3/2018

Reviewed on: 1/3/2018

	Noted	Reaction Type	Reactions
Anesthetic [benzocaine-aloe Vera] Resident gets out of control	11/14/2012		Other - See Comments
Hydrocodone-acetaminophen Uncontrolled hiccups	05/30/2017		Other - See Comments
Vaccine Adjuvant Emulsion Combination No. 1 Resident stated he gets out of control	11/14/2012		
Zantac [ranitidine Hcl]	04/11/2016		Diarrhea

## Immunizations

Reviewed on 7/31/2018

No immunizations on file.

## Diagnoses

	Comments
Diarrhea, unspecified type [2321254] - Primary	
Uncontrolled type 1 diabetes with diabetic neuropathy (HCC) [2195371]	
Asperger syndrome [1218692]	

## Level of Service

Level of Service
OFFICE/OUTPT VISIT, EST, LEVL III [99213]





MARTINSVILLE FP IM  
1107A BROOKDALE  
STREET

Hill, Brian David  
MRN: 7244793, DOB: 5/26/1990, Sex: M  
Encounter date: 3/5/2018

## Reason for Visit

Follow-up

foot

## Medical History

## Medical as of 3/5/2018

## Past Medical History

Diagnosis	Date	Comments	Source
Asperger syndrome [F84.5]	3/20/2013	—	Provider
Autism [F84.0]	3/20/2013	—	Provider
Confusion [R41.0]	—	—	Provider
Diabetes (HCC) [E11.9]	—	—	Provider
Diabetes mellitus [250 (ICD-9-CM)]	—	—	Provider
Dizziness [R42]	—	—	Provider
DM (diabetes mellitus) (HCC) [E11.9]	11/14/2012	—	Provider
Dry skin dermatitis [L85.3]	11/14/2012	—	Provider
GERD (gastroesophageal reflux disease) [K21.9]	11/14/2012	—	Provider
OCD (obsessive compulsive disorder) [F42.9]	3/20/2013	—	Provider
Seizure disorder (HCC) [G40.909]	3/20/2013	—	Provider
Snoring [R06.83]	—	—	Provider
Syncope [R55]	—	—	Provider

## Surgical History

## Surgical as of 3/5/2018

## Past Surgical History

Procedure	Laterality	Date	Comments	Source
HYPOSPADIUS REPAIR, 1ST STAGE [54304]	—	—	—	Provider
HX WISDOM TEETH EXTRACTION [SHX21]	—	03/2017	—	Provider
COLONOSCOPY, BIOPSY [45380]	N/A	6/15/2017	Procedure: COLONOSCOPY (ENDO) W/BIOPSY SINGLE OR MULTIPLE; Surgeon: Mercure, Kevin B, MD; Location: CRCH ENDOSCOPY	Provider
UPPER GI ENDOSCOPY, BIOPSY [43239]	N/A	6/15/2017	Procedure: EGD (ENDO) ESOPHAGOGASTRODUODENOSCOPY W/BIOPSY SINGLE OR MULTIPLE; Surgeon: Mercure, Kevin B, MD; Location: CRCH ENDOSCOPY	Provider

## Problem List as of 3/5/2018

Reviewed: 3/5/2018 4:41 PM by Balakrishnan, Shyam E, MD

	ICD-10-CM	Priority	Class	Noted - Resolved
DM (diabetes mellitus), type 1, uncontrolled w/neurologic complication (HCC) (Chronic)	E10.49, E10.65			11/14/2012 - Present







MARTINSVILLE FP IM  
1107A BROOKDALE  
STREET

Hill, Brian David  
MRN: 7244793, DOB: 5/26/1990, Sex: M  
Encounter date: 3/5/2018

Problem List (continued) as of 3/5/2018

Reviewed 3/5/2018 4:41 PM by Balakrishnan, Shyam E, MD

	ICD-10-CM	Priority	Class	Noted - Resolved
GERD (gastroesophageal reflux disease)	K21.9			Entered by Faraj, Twana H, MD 11/14/2012 - Present
Dry skin dermatitis	L85.3			Entered by Faraj, Twana H, MD 11/14/2012 - Present
Seizure disorder (HCC)	G40.909			Entered by Faraj, Twana H, MD 3/20/2013 - Present
Autism	F84.0			Entered by Faraj, Twana H, MD 3/20/2013 - Present
Asperger syndrome (Chronic)	F84.5			Entered by Faraj, Twana H, MD 3/20/2013 - Present
OCD (obsessive compulsive disorder)	F42.9			Entered by Faraj, Twana H, MD 3/20/2013 - Present
Hypoglycemia	E16.2			Entered by Herodotou, Demetrios 12/28/2016 - Present
Functional diarrhea	K59.1			Entered by Herodotou, Demetrios 8/15/2017 - Present
Internal hemorrhoids	K64.8			Entered by Mercure, Kevin B, MD 9/22/2017 - Present
Brittle diabetes (HCC)	E10.9			Entered by Herodotou, Demetrios

ALL AMBULATORY NOTES

Progress Notes

Author: Balakrishnan, Shyam E, MD  
Filed: 3/10/2018 12:21 PM  
Editor: Balakrishnan, Shyam E, MD (Physician)

Specialty: Family Medicine  
Encounter Date: 3/5/2018

Author Type: Physician  
Status: Signed

Subjective:

Patient ID: Brian David Hill is an 27 y.o. male.

Chief Complaint:

Chief Complaint  
Patient presents with

- Follow-up  
foot

HPI

DM- notes been some improvement in sugar. Working on diet. Poor exercise. Hypoglycemia frequency has gone down

No ulcer, cuts in foot. Does check them regularly he notes.







MARTINSVILLE FP IM  
1107A BROOKDALE  
STREET

Hill, Brian David  
MRN: 7244793, DOB: 5/26/1990, Sex: M  
Encounter date: 3/5/2018

### ALL AMBULATORY NOTES (continued)

#### Progress Notes (continued)

Chronic right wrist pain. No new trauma. Been bothering him intermittently. No numbness, tingling. No redness, warmth. No systemic symptoms

#### Past Medical History:

##### Diagnosis

	Date
• Asperger syndrome	3/20/2013
• Autism	3/20/2013
• Confusion	
• Diabetes (HCC)	
• Diabetes mellitus	
• Dizziness	
• DM (diabetes mellitus) (HCC)	11/14/2012
• Dry skin dermatitis	11/14/2012
• GERD (gastroesophageal reflux disease)	11/14/2012
• OCD (obsessive compulsive disorder)	3/20/2013
• Seizure disorder (HCC)	3/20/2013
• Snoring	
• Syncope	

#### Past Surgical History:

##### Procedure

	Laterality	Date
• COLONOSCOPY, BIOPSY	N/A	6/15/2017
<i>Procedure: COLONOSCOPY (ENDO) W/BIOPSY SINGLE OR MULTIPLE; Surgeon: Mercure, Kevin B, MD; Location: CRCH ENDOSCOPY</i>		
• HX WISDOM TEETH EXTRACTION		03/2017
• HYPOSPADIUS REPAIR, 1ST STAGE		
• UPPER GI ENDOSCOPY, BIOPSY	N/A	6/15/2017
<i>Procedure: EGD (ENDO) ESOPHAGOGASTRODUODENOSCOPY W/BIOPSY SINGLE OR MULTIPLE; Surgeon: Mercure, Kevin B, MD; Location: CRCH ENDOSCOPY</i>		

#### Family History

##### Problem

##### Relation

##### Age of Onset

• Hypertension	Mother	
• Diabetes	Maternal Grandmother	
• Cancer	Neg Hx	

#### Current Outpatient Prescriptions

Medication	Sig	Dispense	Refill
• BASAGLAR KWIKPEN 100 unit/mL (3 mL) Insulin Pen	INJECT 28 UNITS UNDERT THE SKIN EVERY NIGHT	15 mL	3
• glucose blood VI test strips (FREESTYLE INSULINX TEST STRIPS) Strip	1 Strip by external route four times daily	150 Strip	5
• insulin aspart (NOVOLOG FLEXPEN) 100 unit/mL Insulin Pen	INJECT 1 UNIT PER 7 GRAMS OF CARB PLUS ADJUSTMENT	15 mL	3
• BD INSULIN PEN NEEDLE UF MINI 31 gauge x 3/16" Needle	USE FOUR TIMES DAILY AS DIRECTED	200 Each	1
• dicyclomine (BENTYL) 10 mg Capsule	take 10 mg by mouth three times daily		





MARTINSVILLE FP IM  
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STREET

Hill, Brian David  
MRN: 7244793, DOB: 5/26/1990, Sex: M  
Encounter date: 3/5/2018

### ALL AMBULATORY NOTES (continued)

#### Progress Notes (continued)

• BD INSULIN SYRINGE ULTRA-FINE 0.5 mL 31 gauge x 5/16 Syringe	1 Each by Subcutaneous route four times daily	100 Syringe	3
• Insulin Needles, Disposable, (BD INSULIN PEN NEEDLE UF SHORT) 31 gauge x 5/16" Needle	1 Units by Does not apply route four times daily	100 Each	6
• Blood-Glucose Meter (ACCU-CHEK AVIVA PLUS METER) Misc	1 Device by Does not apply route three times daily	1 Each	0
• Insulin Syringe-Needle U-100 (BD INSULIN SYRINGE ULTRA-FINE) 1 mL 30 x 1/2" Syringe	1 Each by Does not apply route four times daily	100 Each	6

No current facility-administered medications for this visit.

#### Allergies

##### Allergen

- Anesthetic [Benzocaine-Aloe Vera]  
*Resident gets out of control*
- Hydrocodone-Acetaminophen  
*Uncontrolled hiccups*
- Vaccine Adjuvant Emulsion Combination No. 1  
*Resident stated he gets out of control*
- Zantac [Ranitidine Hcl]

##### Reactions

Other - See Comments

Other - See Comments

Diarrhea

#### Social History

##### Social History

- Marital status: Single
- Spouse name: N/A
- Number of children: 0
- Years of education: N/A

##### Occupational History

- unemployed, never worked.

##### Social History Main Topics

- Smoking status: Never Smoker
- Smokeless tobacco: Never Used
- Alcohol use: No
- Drug use: No
- Sexual activity: Not on file

##### Other Topics

- Not on file

Concern

##### Social History Narrative

- No narrative on file

#### Review of Systems





MARTINSVILLE FP IM  
1107A BROOKDALE  
STREET

Hill, Brian David  
MRN: 7244793, DOB: 5/26/1990, Sex: M  
Encounter date: 3/5/2018

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ALL AMBULATORY NOTES (continued)

Progress Notes (continued)

Constitutional: Negative for chills and fever.  
Respiratory: Negative for cough and shortness of breath.  
Cardiovascular: Negative for chest pain and palpitations.  
Gastrointestinal: Negative for abdominal pain.  
Musculoskeletal: Positive for joint pain.  
Neurological: Negative for focal weakness and headaches.

**Objective:**

BP 114/53 (BP Location: Left arm, Patient Position: Sitting) | Pulse 89 | Temp 98.6 °F (37 °C) (Oral) | Ht 1.778 m (5' 10") | Wt 91.4 kg (201 lb 6.4 oz) | SpO2 96% | BMI 28.90 kg/m<sup>2</sup>  
Body mass index is 28.9 kg/m<sup>2</sup>.

Physical Exam

Constitutional: No distress.

HENT:

Head: Normocephalic and atraumatic.

Cardiovascular: Normal rate and regular rhythm.

Pulses:

Dorsalis pedis pulses are 1+ on the right side, and 1+ on the left side.

Posterior tibial pulses are 1+ on the right side, and 1+ on the left side.

Pulmonary/Chest: Effort normal and breath sounds normal.

Musculoskeletal:

Right foot: There is normal range of motion and no deformity.

Left foot: There is normal range of motion and no deformity.

**Right wrist**

No obvious swelling, deformity, redness, warmth

ROM present

No point tenderness

Normal grip strength, cap refill

**Tinel negative**

Feet:

Right Foot:

Protective Sensation: 7 sites tested. 5 sites sensed.

Skin Integrity: Positive for callus and dry skin. Negative for ulcer, blister, skin breakdown, erythema or warmth.

Left Foot:

Protective Sensation: 7 sites tested. 5 sites sensed.

Skin Integrity: Positive for callus and dry skin. Negative for ulcer, blister, skin breakdown, erythema or warmth.

Neurological: He is alert.

Skin: Skin is warm and dry. He is not diaphoretic.

Vitals reviewed.

**Assessment:**

Encounter Diagnosis

Printed by SKMOTLEY at 10/23/18 4:30 PM

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MARTINSVILLE FP IM  
1107A BROOKDALE  
STREET

Hill, Brian David  
MRN: 7244793, DOB: 5/26/1990, Sex: M  
Encounter date: 3/5/2018

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**ALL AMBULATORY NOTES (continued)****Progress Notes (continued)**

- |    |  |                    |
|----|--|--------------------|
| 1. | Type 2 diabetes mellitus without complication, with long-term current use of insulin (HCC) | ICD-10-CM<br>E11.9 |
| 2. | Right wrist pain   | Z79.4<br>M25.531   |

**Plan:****1. Type 2 diabetes mellitus without complication, with long-term current use of insulin (HCC)**

stable. Work on diet, exercise. Monitor blood sugar closely. If any lows < 70 alert us. Monitor A1c. Further adjustment based on a1c. Report readings.

Callus +. No ulcer. Slightly thickened nails.  
Dm control improved.  
Daily foot exam  
Will benefit from diabetic shoes

**2. Right wrist pain**

Unstable. no signs of infective, inflammatory joint. Discussed symptoms of same. If any seek immediate medical attention. Reviewed old xray was negative. Will repeat film.  
Go from there

Shyam E Balakrishnan, MD

Electronically signed by Balakrishnan, Shyam E, MD at 3/10/2018 12:21 PM

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**Encounter-Level Documents:**

There are no encounter-level documents.

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**Vitals**

BP 114/53 (BP Location: Left arm, Patient Position: Sitting)	Pulse 89	Temp 98.6 °F (37 °C) (Oral)	Ht 1.778 m (5' 10")	Wt 91.4 kg (201 lb 6.4 oz)
SpO2 96%				

---

**BMI Data**

Body Mass Index: 28.90 kg/m <sup>2</sup>	Body Surface Area: 2.12 m <sup>2</sup>
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MARTINSVILLE FP IM  
1107A BROOKDALE  
STREET

Hill, Brian David  
MRN: 7244793, DOB: 5/26/1990, Sex: M  
Encounter date: 3/5/2018

# Encounter Medications as of 3/5/2018

## Outpatient Medications

	Quantity	Refills	Start	End
<b>BASAGLAR KWIKPEN 100 unit/mL (3 mL) Insulin Pen</b> (Discontinued) Sig : INJECT 28 UNITS UNDER THE SKIN EVERY NIGHT Route: (none) Reason for Discontinue: Reorder	15 mL	3	2/6/2018	8/18/2018
<b>glucose blood VI test strips (FREESTYLE INSULINX TEST STRIPS)</b> Strip (Discontinued) Sig : 1 Strip by external route four times daily Route: external Comment: Dx code E10.49 Reason for Discontinue: Reorder Class: ePrescribe	150 Strip	5	12/22/2017	7/30/2018
<b>insulin aspart (NOVOLOG FLEXPEN) 100 unit/mL Insulin Pen</b> (Discontinued) Sig : INJECT 1 UNIT PER 7 GRAMS OF CARB PLUS ADJUSTMENT Route: (none) Reason for Discontinue: Reorder Class: ePrescribe	15 mL	3	12/14/2017	4/2/2018
<b>BD INSULIN PEN NEEDLE UF MINI 31 gauge x 3/16" Needle</b> (Discontinued) Sig : USE FOUR TIMES DAILY AS DIRECTED Route: (none) Reason for Discontinue: Reorder Class: ePrescribe	200 Each	1	10/16/2017	5/16/2018
<b>dicyclomine (BENTYL) 10 mg Capsule</b> Sig : take 10 mg by mouth three times daily Route: Oral Class: Historical Med				
<b>BD INSULIN SYRINGE ULTRA-FINE 0.5 mL 31 gauge x 5/16 Syringe</b> (Discontinued) Sig : 1 Each by Subcutaneous route four times daily Route: Subcutaneous DAW: Yes Reason for Discontinue: Duplicate Class: ePrescribe	100 Syringe	3	6/6/2016	7/31/2018
<b>Insulin Needles, Disposable, (BD INSULIN PEN NEEDLE UF SHORT) 31 gauge x 5/16" Needle (Discontinued)</b> Sig : 1 Units by Does not apply route four times daily Route: Does not apply Reason for Discontinue: Duplicate Class: ePrescribe	100 Each	6	4/26/2016	7/31/2018
<b>Blood-Glucose Meter (ACCU-CHEK AVIVA PLUS METER) Misc</b> (Discontinued) Sig : 1 Device by Does not apply route three times daily Route: Does not apply Reason for Discontinue: Therapy Completed Class: ePrescribe	1 Each	0	12/19/2014	7/31/2018
<b>Insulin Syringe-Needle U-100 (BD INSULIN SYRINGE ULTRA-FINE) 1 mL 30 x 1/2" Syringe (Discontinued)</b> Sig : 1 Each by Does not apply route four times daily Route: Does not apply Reason for Discontinue: Duplicate Class: ePrescribe	100 Each	6	11/18/2014	7/31/2018

## All Orders

### XR WRIST COMPLETE RT 3+ VW

Electronically signed by: Balakrishnan, Shyam E, MD on 03/05/18 1639  
Ordering user: Balakrishnan, Shyam E, MD 03/05/18 1639  
Authorized by: Balakrishnan, Shyam E, MD  
Frequency: 03/05/18 -  
Diagnoses  
Right wrist pain [M25.531]

Ordering provider: Balakrishnan, Shyam E, MD

Status: Completed

#### Questionnaire

Question	Answer
Clinical Findings/Symptoms:	chronic wrist pain





MARTINSVILLE FP IM  
1107A BROOKDALE  
STREET

Hill, Brian David  
MRN: 7244793, DOB: 5/26/1990, Sex: M  
Encounter date: 3/5/2018

**All Results**

No results found

**Allergies as of 3/5/2018**

Reviewed on: 3/5/2018

	Noted	Reaction Type	Reactions
Anesthetic [benzocaine-aloe Vera] Resident gets out of control	11/14/2012		Other - See Comments
Hydrocodone-acetaminophen Uncontrolled hiccups	05/30/2017		Other - See Comments
Vaccine Adjuvant Emulsion Combination No. 1 Resident stated he gets out of control	11/14/2012		
Zantac [ranitidine Hcl]	04/11/2016		Diarrhea

**Immunizations**

Reviewed on 7/31/2018

No immunizations on file.

**Diagnoses**

	Comments
Type 2 diabetes mellitus without complication, with long-term current use of insulin (HCC) [2196119] - Primary Right wrist pain [1157647]	

**Level of Service**

Level of Service
OFFICE/OUTPT VISIT,EST,LEVL III [99213]





MARTINSVILLE FP IM  
1107A BROOKDALE  
STREET

Hill, Brian David  
MRN: 7244793, DOB: 5/26/1990, Sex: M  
Encounter date: 7/31/2018

## Reason for Visit

Follow-up

dm

## Medical History

## Medical as of 7/31/2018

## Past Medical History

Diagnosis	Date	Comments	Source
Asperger syndrome [F84.5]	3/20/2013	—	Provider
Autism [F84.0]	3/20/2013	—	Provider
Confusion [R41.0]	—	—	Provider
Diabetes (HCC) [E11.9]	—	—	Provider
Diabetes mellitus [250 (ICD-9-CM)]	—	—	Provider
Dizziness [R42]	—	—	Provider
DM (diabetes mellitus) (HCC) [E11.9]	11/14/2012	—	Provider
Dry skin dermatitis [L85.3]	11/14/2012	—	Provider
GERD (gastroesophageal reflux disease) [K21.9]	11/14/2012	—	Provider
OCD (obsessive compulsive disorder) [F42.9]	3/20/2013	—	Provider
Seizure disorder (HCC) [G40.909]	3/20/2013	—	Provider
Snoring [R06.83]	—	—	Provider
Syncope [R55]	—	—	Provider

## Surgical History

## Surgical as of 7/31/2018

## Past Surgical History

Procedure	Laterality	Date	Comments	Source
HYPOSPADIUS REPAIR, 1ST STAGE [54304]	—	—	—	Provider
HX WISDOM TEETH EXTRACTION [SHX21]	—	03/2017	—	Provider
COLONOSCOPY, BIOPSY [45380]	N/A	6/15/2017	Procedure: COLONOSCOPY (ENDO) W/BIOPSY SINGLE OR MULTIPLE; Surgeon: Mercure, Kevin B, MD; Location: CRCH ENDOSCOPY	Provider
UPPER GI ENDOSCOPY, BIOPSY [43239]	N/A	6/15/2017	Procedure: EGD (ENDO) ESOPHAGOGASTRODUODENOSCOPY W/BIOPSY SINGLE OR MULTIPLE; Surgeon: Mercure, Kevin B, MD; Location: CRCH ENDOSCOPY	Provider

## Problem List as of 7/31/2018

Reviewed: 7/31/2018 11:36 AM by Balakrishnan, Shyam E, MD

	ICD-10-CM	Priority	Class	Noted - Resolved
DM (diabetes mellitus), type 1, uncontrolled w/neurologic complication (HCC) (Chronic)	E10.49, E10.65			11/14/2012 - Present







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STREET

Hill, Brian David  
MRN: 7244793, DOB: 5/26/1990, Sex: M  
Encounter date: 7/31/2018

Problem List (continued) as of 7/31/2018

Reviewed: 7/31/2018 11:36 AM by Balakrishnan, Shyam E, MD

	ICD-10-CM	Priority	Class	Noted - Resolved
GERD (gastroesophageal reflux disease)	K21.9			Entered by Faraj, Twana H, MD 11/14/2012 - Present
Dry skin dermatitis	L85.3			Entered by Faraj, Twana H, MD 11/14/2012 - Present
Seizure disorder (HCC)	G40.909			Entered by Faraj, Twana H, MD 3/20/2013 - Present
Autism	F84.0			Entered by Faraj, Twana H, MD 3/20/2013 - Present
Asperger syndrome (Chronic)	F84.5			Entered by Faraj, Twana H, MD 3/20/2013 - Present
OCD (obsessive compulsive disorder)	F42.9			Entered by Faraj, Twana H, MD 3/20/2013 - Present
Hypoglycemia	E16.2			9/2/2016 - Present Entered by Herodotou, Demetrios
Functional diarrhea	K59.1			12/28/2016 - Present Entered by Herodotou, Demetrios
Internal hemorrhoids	K64.8			6/15/2017 - Present Entered by Mercure, Kevin B, MD
Brittle diabetes (HCC)	E10.9			9/22/2017 - Present Entered by Herodotou, Demetrios

ALL AMBULATORY NOTES

Progress Notes

Author: Balakrishnan, Shyam E, MD  
Filed: 8/8/2018 3:13 PM  
Editor: Balakrishnan, Shyam E, MD (Physician)

Specialty: Family Medicine  
Encounter Date: 7/31/2018

Author Type: Physician  
Status: Signed

Subjective:

Patient ID: Brian David Hill is an 28 y.o. male.

Chief Complaint:

Chief Complaint  
Patient presents with

- Follow-up  
dm

Follow-up

Pertinent negatives include no abdominal pain, chest pain, chills, coughing, fever or headaches.

DM- notes sugar been fluctuating. Fewer lows. Working on diet. Poor exercise. Hypoglycemia frequency has gone down







MARTINSVILLE FP IM  
1107A BROOKDALE  
STREET

Hill, Brian David  
MRN: 7244793, DOB: 5/26/1990, Sex: M  
Encounter date: 7/31/2018

## ALL AMBULATORY NOTES (continued)

## Progress Notes (continued)

asperger - symptoms stable. No agitation. No si/hi

Irritable bowel. Intermittent diarrhea. No red flag

## Past Medical History:

## Diagnosis

	Date
• Asperger syndrome	3/20/2013
• Autism	3/20/2013
• Confusion	
• Diabetes (HCC)	
• Diabetes mellitus	
• Dizziness	
• DM (diabetes mellitus) (HCC)	11/14/2012
• Dry skin dermatitis	11/14/2012
• GERD (gastroesophageal reflux disease)	11/14/2012
• OCD (obsessive compulsive disorder)	3/20/2013
• Seizure disorder (HCC)	3/20/2013
• Snoring	
• Syncope	

## Past Surgical History:

## Procedure

## Laterality

## Date

• COLONOSCOPY,BIOPSY	N/A	6/15/2017
Procedure: COLONOSCOPY (ENDO) W/BIOPSY SINGLE OR MULTIPLE; Surgeon: Mercure, Kevin B, MD;		
Location: CRCH ENDOSCOPY		
• HX WISDOM TEETH EXTRACTION		03/2017
• HYPOSPADIUS REPAIR, 1ST STAGE		
• UPPER GI ENDOSCOPY,BIOPSY	N/A	6/15/2017
Procedure: EGD (ENDO) ESOPHAGOGASTRODUODENOSCOPY W/BIOPSY SINGLE OR MULTIPLE;		
Surgeon: Mercure, Kevin B, MD; Location: CRCH ENDOSCOPY		

## Family History

## Problem

## Relation

## Age of Onset

• Hypertension	Mother	
• Diabetes	Maternal Grandmother	
• Cancer	Neg Hx	

## Current Outpatient Prescriptions

## Medication

## Sig

## Dispense

## Refill

• glucose blood VI test strips (FREESTYLE INSULINX TEST STRIPS) Strip	1 Strip by external route four times daily	200 Strip	1
• NOVOLOG FLEXPEN U-100 INSULIN 100 unit/mL Insulin Pen	INJECT 1 UNIT PER 7 GM OF CARB PLUS ADJUSTMENT BASED ON THE FORMULA BS-120/30	15 mL	1
• Tacrolimus 0.03 % Ointment	1 Application by Topical route two times daily For eczema	60 g	11





MARTINSVILLE FP IM  
1107A BROOKDALE  
STREET

Hill, Brian David  
MRN: 7244793, DOB: 5/26/1990, Sex: M  
Encounter date: 7/31/2018

### ALL AMBULATORY NOTES (continued)

#### Progress Notes (continued)

• BD ULTRA-FINE MINI PEN NEEDLE 31 gauge x 3/16" Needle	USE FOUR TIMES DAILY AS DIRECTED	200 Each	3
• BASAGLAR KWIKPEN 100 unit/mL (3 mL) Insulin Pen	INJECT 28 UNITS UNDERT THE SKIN EVERY NIGHT	15 mL	3
• dicyclomine (BENTYL) 10 mg Capsule	take 10 mg by mouth three times daily		

No current facility-administered medications for this visit.

#### Allergies

##### Allergen

- Anesthetic [Benzocaine-Aloe Vera]  
*Resident gets out of control*
- Hydrocodone-Acetaminophen  
*Uncontrolled hiccups*
- Vaccine Adjuvant Emulsion Combination No. 1  
*Resident stated he gets out of control*
- Zantac [Ranitidine Hcl]

##### Reactions

Other - See Comments

Other - See Comments

Diarrhea

#### Social History

##### Social History

- Marital status: Single
- Spouse name: N/A
- Number of children: 0
- Years of education: N/A

#### Occupational History

- unemployed, never worked.

#### Social History Main Topics

- Smoking status: Never Smoker
- Smokeless tobacco: Never Used
- Alcohol use: No
- Drug use: No
- Sexual activity: Not on file

#### Other Topics

- Not on file

Concern

#### Social History Narrative

- No narrative on file

#### Review of Systems

Constitutional: Negative for chills and fever.

Respiratory: Negative for cough and shortness of breath.

Cardiovascular: Negative for chest pain and palpitations.

Gastrointestinal: Positive for diarrhea. Negative for abdominal pain, blood in stool and melena.

Musculoskeletal: Positive for joint pain.

Neurological: Negative for dizziness, focal weakness and headaches.

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MARTINSVILLE FP IM  
1107A BROOKDALE  
STREET

Hill, Brian David  
MRN: 7244793, DOB: 5/26/1990, Sex: M  
Encounter date: 7/31/2018

# ALL AMBULATORY NOTES (continued)

## Progress Notes (continued)

### Objective:

BP 109/57 | Pulse 78 | Temp 98.2 °F (36.8 °C) (Oral) | Ht 1.778 m (5' 10") | Wt 88.9 kg (196 lb) | SpO2 96%  
| BMI 28.12 kg/m<sup>2</sup>

Body mass index is 28.12 kg/m<sup>2</sup>.

### Physical Exam

Constitutional: No distress.

### HENT:

Head: Normocephalic and atraumatic.

Cardiovascular: Normal rate and regular rhythm.

Pulmonary/Chest: Effort normal and breath sounds normal.

Abdominal: Soft. Bowel sounds are normal. He exhibits no distension. There is no tenderness.

Neurological: He is alert.

Skin: Skin is warm and dry. He is not diaphoretic.

Vitals reviewed.

### Assessment:

#### Encounter Diagnosis

	ICD-10-CM	
1. Uncontrolled type 1 diabetes with diabetic neuropathy (HCC)	E10.40	CBC WITH AUTO DIFF (CBCD)
	E10.65	COMPREHENSIVE METABOLIC PANEL(COMP) HEMOGLOBIN A1C(HA1C) AMB REFERRAL TO ENDOCRINOLOGY
2. Asperger syndrome	F84.5	
3. Irritable bowel syndrome with diarrhea	K58.0	

### Plan:

#### 1. Type 1 diabetes mellitus without complication, with long-term current use of insulin (HCC)

unstable. Work on diet, exercise. Monitor blood sugar closely. If any lows < 70 alert us. Aware of rx of low sugar

Given brittle dm need endo follow up. Will place new referral

#### 2. asperger

#### Stable.

If any new symptoms, agitation etc or si/hi- seek immediate medical attention







MARTINSVILLE FP IM  
1107A BROOKDALE  
STREET

Hill, Brian David  
MRN: 7244793, DOB: 5/26/1990, Sex: M  
Encounter date: 7/31/2018

### ALL AMBULATORY NOTES (continued)

#### Progress Notes (continued)

3. IBS- Discussed red flags. If any abd pain, blood, mucus in stool, severe symptoms seek immediate medical attention.

Stressed close follow up with gi  
Shyam E Balakrishnan, MD

Electronically signed by Balakrishnan, Shyam E, MD at 8/8/2018 3:13 PM

#### Progress Notes

Author: Forlines, Victoria L, PHLEB  
Filed: 8/8/2018 3:13 PM  
Editor: Forlines, Victoria L, PHLEB (Phlebotomist)

Specialty: ,  
Encounter Date: 7/31/2018

Author Type: Phlebotomist  
Status: Signed

Labs  
HW  
LAC

Electronically signed by Forlines, Victoria L, PHLEB at 8/8/2018 3:13 PM

#### Encounter-Level Documents:

There are no encounter-level documents.

#### Vitals

BP	Pulse	Temp	Ht	Wt
109/57	78	98.2 °F (36.8 °C) (Oral)	1.778 m (5' 10")	88.9 kg (196 lb)
SpO2 96%				

#### BMI Data

Body Mass Index: 28.12 kg/m<sup>2</sup>      Body Surface Area: 2.1 m<sup>2</sup>

#### Encounter Medications as of 7/31/2018

##### Outpatient Medications

	Quantity	Refills	Start	End
glucose blood VI test strips (FREESTYLE INSULINX TEST STRIPS) Strip Sig : 1 Strip by external route four times daily Route: external Comment: Dx code E10.49 Class: ePrescribe	200 Strip	1	7/30/2018	
NOVOLOG FLEXPEN U-100 INSULIN 100 unit/mL Insulin Pen (Discontinued) Sig : INJECT 1 UNIT PER 7 GM OF CARB PLUS ADJUSTMENT BASED ON THE FORMULA BS-120/30 Route: (none) Reason for Discontinue: Reorder	15 mL	1	7/25/2018	9/18/2018
Tacrolimus 0.03 % Ointment Sig : 1 Application by Topical route two times daily For eczema Route: Topical Class: ePrescribe	60 g	11	6/13/2018	
BD ULTRA-FINE MINI PEN NEEDLE 31 gauge x 3/16" Needle Sig : USE FOUR TIMES DAILY AS DIRECTED Route: (none)	200 Each	3	5/17/2018	
BASAGLAR KWIKPEN 100 unit/mL (3 mL) Insulin Pen (Discontinued)	15 mL	3	2/6/2018	8/18/2018

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MARTINSVILLE FP IM  
1107A BROOKDALE  
STREET

Hill, Brian David  
MRN: 7244793, DOB: 5/26/1990, Sex: M  
Encounter date: 7/31/2018

#### Encounter Medications as of 7/31/2018 (continued)

Sig: INJECT 28 UNITS UNDER THE SKIN EVERY NIGHT Route: (none) Reason for Discontinue: Reorder				
<b>dicyclomine (BENTYL) 10 mg Capsule</b> Sig: take 10 mg by mouth three times daily Route: Oral Class: Historical Med				
<b>BD INSULIN SYRINGE ULTRA-FINE 0.5 mL 31 gauge x 5/16 Syringe</b> (Discontinued) Sig: 1 Each by Subcutaneous route four times daily Route: Subcutaneous DAW: Yes Reason for Discontinue: Duplicate Class: ePrescribe	100 Syringe	3	6/6/2016	7/31/2018
<b>Insulin Needles, Disposable, (BD INSULIN PEN NEEDLE UF SHORT)</b> 31 gauge x 5/16" Needle (Discontinued) Sig: 1 Units by Does not apply route four times daily Route: Does not apply Reason for Discontinue: Duplicate Class: ePrescribe	100 Each	6	4/26/2016	7/31/2018
<b>Blood-Glucose Meter (ACCU-CHEK AVIVA PLUS METER) Misc</b> (Discontinued) Sig: 1 Device by Does not apply route three times daily Route: Does not apply Reason for Discontinue: Therapy Completed Class: ePrescribe	1 Each	0	12/19/2014	7/31/2018
<b>Insulin Syringe-Needle U-100 (BD INSULIN SYRINGE ULTRA-FINE) 1</b> mL 30 x 1/2" Syringe (Discontinued) Sig: 1 Each by Does not apply route four times daily Route: Does not apply Reason for Discontinue: Duplicate Class: ePrescribe	100 Each	6	11/18/2014	7/31/2018

#### All Orders

#### AMB REFERRAL TO ENDOCRINOLOGY

Electronically signed by: **Balakrishnan, Shyam E, MD** on 07/31/18 1133  
Ordering user: Balakrishnan, Shyam E, MD 07/31/18 1133  
Authorized by: Balakrishnan, Shyam E, MD  
Frequency: 07/31/18 -  
Diagnoses  
Uncontrolled type 1 diabetes with diabetic neuropathy (HCC) [E10.40, E10.65]

Status: Active

#### Questionnaire

Question	Answer
CLINICAL REASON(S) FOR REFERRAL	brittle type 1 dm

#### CBC WITH AUTO DIFF (CBCD)

Electronically signed by: **Balakrishnan, Shyam E, MD** on 07/31/18 1110  
Ordering user: Balakrishnan, Shyam E, MD 07/31/18 1110  
Authorized by: Balakrishnan, Shyam E, MD  
Frequency: 07/31/18 -  
Diagnoses  
Uncontrolled type 1 diabetes with diabetic neuropathy (HCC) [E10.40, E10.65]

Status: Completed

#### COMPREHENSIVE METABOLIC PANEL (COMP)

Electronically signed by: **Balakrishnan, Shyam E, MD** on 07/31/18 1110  
Ordering user: Balakrishnan, Shyam E, MD 07/31/18 1110  
Authorized by: Balakrishnan, Shyam E, MD  
Frequency: 07/31/18 -  
Diagnoses  
Uncontrolled type 1 diabetes with diabetic neuropathy (HCC) [E10.40, E10.65]

Status: Completed

#### HEMOGLOBIN A1C (HA1C)

Electronically signed by: **Balakrishnan, Shyam E, MD** on 07/31/18 1110  
Ordering user: Balakrishnan, Shyam E, MD 07/31/18 1110  
Authorized by: Balakrishnan, Shyam E, MD  
Frequency: 07/31/18 -  
Diagnoses  
Uncontrolled type 1 diabetes with diabetic neuropathy (HCC) [E10.40, E10.65]

Status: Completed





MARTINSVILLE FP IM  
1107A BROOKDALE  
STREET

Hill, Brian David  
MRN: 7244793, DOB: 5/26/1990, Sex: M  
Encounter date: 7/31/2018

## All Orders (continued)

## HEMOGLOBIN A1C(HA1C) (continued)

## All Results

## COMPREHENSIVE METABOLIC PANEL(COMP) [368602038] (Abnormal)

Resulted: 07/31/18 1210, Result status: Final result

Ordering provider: Balakrishnan, Shyam E, MD 07/31/18 1110

Resulting lab: GENESYS MARTINSVILLE

## Specimen Information

Type	Source	Collected On
Blood, Venous	—	07/31/18 1122

## Components

Component	Value	Reference Range	Flag	Lab
Sodium	137	135 - 145 mmol/L	—	gen martinsvi
Potassium	4.4	3.5 - 5.3 mmol/L	—	gen martinsvi
Chloride	101	98 - 110 mmol/L	—	gen martinsvi
CO2	29	21 - 31 mmol/L	—	gen martinsvi
Urea Nitrogen	10	7.0 - 22.0 mg/dL	—	gen martinsvi
Creatinine	1.02	0.50 - 1.40 mg/dL	—	gen martinsvi
Glom Filtr Rate, Estimated	87	>60	—	gen martinsvi
Glucose, Bld	237	70 - 99 mg/dL	H	gen martinsvi
Total Protein	7.1	6.0 - 8.3 g/dL	—	gen martinsvi
Albumin	4.0	3.2 - 5.5 g/dL	—	gen martinsvi
Calcium	9.2	8.5 - 10.7 mg/dL	—	gen martinsvi
Total Bilirubin	0.5	0.0 - 1.3 mg/dL	—	gen martinsvi
Alkaline Phosphatase, Serum	77	42 - 121 IU/L	—	gen martinsvi
AST	18	15 - 45 IU/L	—	gen martinsvi
ALT	18	10 - 60 IU/L	—	gen martinsvi
Globulin	3.1	g/dL	—	gen martinsvi
A/G Ratio	1.3	—	—	gen martinsvi
Anion Gap	11.4	mmol/L	—	gen martinsvi
Osmolality	280.56	mmol/L	—	gen martinsvi
Bun/Creatinine	9.80	RATIO	—	gen martinsvi

## CBC WITH AUTO DIFF (CBCD) [368602037] (Abnormal)

Resulted: 07/31/18 1210, Result status: Final result

Ordering provider: Balakrishnan, Shyam E, MD 07/31/18 1110

Resulting lab: GENESYS MARTINSVILLE

## Specimen Information

Type	Source	Collected On
Blood, Venous	—	07/31/18 1122

## Components

Component	Value	Reference Range	Flag	Lab
WBC	8.0	4.8 - 10.8 x10	—	gen martinsvi
RBC	5.53	4.50 - 5.30 x10	H	gen martinsvi
Hemoglobin	16.3	13.0 - 16.0 G/DL	H	gen martinsvi
Hematocrit	49.1	37.0 - 49.0 %	H	gen martinsvi
MCV	89	78 - 98 fL	—	gen martinsvi
MCH	29.5	27.0 - 34.6 pg	—	gen martinsvi
MCHC	33.2	33.0 - 37.0 g/dL	—	gen martinsvi
RDW	12.3	11.5 - 14.5 %	—	gen martinsvi
Platelet Count	235	130 - 400 x10	—	gen martinsvi
MPV	8.9	7.4 - 10.4 fL	—	gen martinsvi
Seg	65.5	42.0 - 75.0 %	—	gen martinsvi
Lymph	20.9	21.0 - 51.0 %	L	gen martinsvi
Monos	11.4	2.0 - 13.0 %	—	gen martinsvi
Eos	1.6	0.0 - 10.0 %	—	gen martinsvi
Baso	0.6	0.0 - 2.0 %	—	gen martinsvi
Absolute Neut	5.30	1.80 - 7.70 x10	—	gen martinsvi
Absolute Lymph	1.70	1.00 - 5.00 x10	—	gen martinsvi
Absolute Mono	0.90	0.00 - 0.80 x10	H	gen martinsvi
Absolute Eos	0.10	0.00 - 0.70 X 10	—	gen martinsvi
Absolute Basophils	0.00	0.00 - 0.20 X10	—	gen martinsvi

## HEMOGLOBIN A1C(HA1C) [368602039] (Abnormal)

Resulted: 07/31/18 1149, Result status: Final result

Ordering provider: Balakrishnan, Shyam E, MD 07/31/18 1110

Resulting lab: GENESYS MARTINSVILLE

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MARTINSVILLE FP IM  
1107A BROOKDALE  
STREET

Hill, Brian David  
MRN: 7244793, DOB: 5/26/1990, Sex: M  
Encounter date: 7/31/2018

## All Results (continued)

HEMOGLOBIN A1C(HA1C) [368602039] (Abnormal) (continued)

Resulted: 07/31/18 1149, Result status: Final result

## Specimen Information

Type	Source	Collected On
Blood, Venous	—	07/31/18 1122

## Components

Component	Value	Reference Range	Flag	Lab
Hemoglobin A1C	9.1	3.8 - 5.9 %	H	gen martinsvi

HEMOGLOBIN A1C(HA1C) [368602039]

Resulted: 07/31/18 1122, Result status: In process

Ordering provider: Balakrishnan, Shyam E, MD 07/31/18 1110

Resulting lab: GENESYS MARTINSVILLE

## Specimen Information

Type	Source	Collected On
Blood, Venous	—	07/31/18 1122

COMPREHENSIVE METABOLIC PANEL(COMP) [368602038]

Resulted: 07/31/18 1122, Result status: In process

Ordering provider: Balakrishnan, Shyam E, MD 07/31/18 1110

Resulting lab: GENESYS MARTINSVILLE

## Specimen Information

Type	Source	Collected On
Blood, Venous	—	07/31/18 1122

CBC WITH AUTO DIFF (CBCD) [368602037]

Resulted: 07/31/18 1122, Result status: In process

Ordering provider: Balakrishnan, Shyam E, MD 07/31/18 1110

Resulting lab: GENESYS MARTINSVILLE

## Specimen Information

Type	Source	Collected On
Blood, Venous	—	07/31/18 1122

## Testing Performed By

Lab - Abbreviation	Name	Director	Address	Valid Date Range
212 - gen martinsvi	GENESYS MARTINSVILLE	Unknown	1107 A Brookdale St Martinsville VA 24112	09/14/10 1917 - Present

## Allergies as of 7/31/2018

Reviewed on: 7/31/2018

	Noted	Reaction Type	Reactions
Anesthetic [benzocaine-aloe Vera] Resident gets out of control	11/14/2012		Other - See Comments
Hydrocodone-acetaminophen Uncontrolled hiccups	05/30/2017		Other - See Comments
Vaccine Adjuvant Emulsion Combination No. 1 Resident stated he gets out of control	11/14/2012		
Zantac [ranitidine Hcl]	04/11/2016		Diarrhea

## Immunizations

Reviewed on 7/31/2018

No immunizations on file.

## Diagnoses

	Comments
Uncontrolled type 1 diabetes with diabetic neuropathy (HCC) [2195371] - Primary	
Asperger syndrome [1218692]	
Irritable bowel syndrome with diarrhea [1136652]	

## Level of Service

Level of Service
OFFICE/OUTPT VISIT,EST,LEVL IV [99214]





MARTINSVILLE FP IM  
1107A BROOKDALE  
STREET

Hill, Brian David  
MRN: 7244793, DOB: 5/26/1990, Sex: M  
Encounter date: 7/31/2018

## Results

CBC WITH AUTO DIFF (CBCD) (Order 368602037)

## CBC WITH AUTO DIFF (CBCD) [368602037] (Abnormal)

Resulted: 07/31/18 1210, Result status: Final result

Ordering provider: Balakrishnan, Shyam E, MD 07/31/18 1110

Resulting lab: GENESYS MARTINSVILLE

## Specimen Information

Type	Source	Collected On
Blood, Venous	—	07/31/18 1122

## Components

Component	Value	Reference Range	Flag	Lab
WBC	8.0	4.8 - 10.8 x10	—	gen martinsvi
RBC	5.53	4.50 - 5.30 x10	H	gen martinsvi
Hemoglobin	16.3	13.0 - 16.0 G/DL	H	gen martinsvi
Hematocrit	49.1	37.0 - 49.0 %	H	gen martinsvi
MCV	89	78 - 98 fL	—	gen martinsvi
MCH	29.5	27.0 - 34.6 pg	—	gen martinsvi
MCHC	33.2	33.0 - 37.0 g/dL	—	gen martinsvi
RDW	12.3	11.5 - 14.5 %	—	gen martinsvi
Platelet Count	235	130 - 400 x10	—	gen martinsvi
MPV	8.9	7.4 - 10.4 fL	—	gen martinsvi
Seg	65.5	42.0 - 75.0 %	—	gen martinsvi
Lymph	20.9	21.0 - 51.0 %	L	gen martinsvi
Monos	11.4	2.0 - 13.0 %	—	gen martinsvi
Eos	1.6	0.0 - 10.0 %	—	gen martinsvi
Baso	0.6	0.0 - 2.0 %	—	gen martinsvi
Absolute Neut	5.30	1.80 - 7.70 x10	—	gen martinsvi
Absolute Lymph	1.70	1.00 - 5.00 x10	—	gen martinsvi
Absolute Mono	0.90	0.00 - 0.80 x10	H	gen martinsvi
Absolute Eos	0.10	0.00 - 0.70 X 10	—	gen martinsvi
Absolute Basophils	0.00	0.00 - 0.20 X10	—	gen martinsvi

## Testing Performed By

Lab - Abbreviation	Name	Director	Address	Valid Date Range
212 - gen martinsvi	GENESYS MARTINSVILLE	Unknown	1107 A Brookdale St Martinsville VA 24112	09/14/10 1917 - Present

## Reviewed by List

Balakrishnan, Shyam E, MD on 8/1/2018 10:31

## Results

COMPREHENSIVE METABOLIC PANEL(COMP)  
(Order 368602038)COMPREHENSIVE METABOLIC PANEL(COMP) [368602038]  
(Abnormal)

Resulted: 07/31/18 1210, Result status: Final result

Ordering provider: Balakrishnan, Shyam E, MD 07/31/18 1110

Resulting lab: GENESYS MARTINSVILLE

## Specimen Information

Type	Source	Collected On
Blood, Venous	—	07/31/18 1122

## Components

Component	Value	Reference Range	Flag	Lab
Sodium	137	135 - 145 mmol/L	—	gen martinsvi
Potassium	4.4	3.5 - 5.3 mmol/L	—	gen martinsvi
Chloride	101	98 - 110 mmol/L	—	gen martinsvi
CO2	29	21 - 31 mmol/L	—	gen martinsvi
Urea Nitrogen	10	7.0 - 22.0 mg/dL	—	gen martinsvi
Creatinine	1.02	0.50 - 1.40 mg/dL	—	gen martinsvi
Glom Filtr Rate, Estimated	87	>60	—	gen martinsvi
Glucose, Bld	237	70 - 99 mg/dL	H	gen martinsvi







MARTINSVILLE FP IM  
1107A BROOKDALE  
STREET

Hill, Brian David  
MRN: 7244793, DOB: 5/26/1990, Sex: M  
Encounter date: 7/31/2018

Total Protein	7.1	6.0 - 8.3 g/dL	—	gen martinsvi
Albumin	4.0	3.2 - 5.5 g/dL	—	gen martinsvi
Calcium	9.2	8.5 - 10.7 mg/dL	—	gen martinsvi
Total Bilirubin	0.5	0.0 - 1.3 mg/dL	—	gen martinsvi
Alkaline Phosphatase, Serum	77	42 - 121 IU/L	—	gen martinsvi
AST	18	15 - 45 IU/L	—	gen martinsvi
ALT	18	10 - 60 IU/L	—	gen martinsvi
Globulin	3.1	g/dL	—	gen martinsvi
A/G Ratio	1.3	—	—	gen martinsvi
Anion Gap	11.4	mmol/L	—	gen martinsvi
Osmolality	280.56	mmol/L	—	gen martinsvi
Bun/Creatinine	9.80	RATIO	—	gen martinsvi

## Testing Performed By

Lab - Abbreviation	Name	Director	Address	Valid Date Range
212 - gen martinsvi	GENESYS MARTINSVILLE	Unknown	1107 A Brookdale St Martinsville VA 24112	09/14/10 1917 - Present

## Reviewed by List

Balakrishnan, Shyam E, MD on 8/1/2018 10:31

## Results

## HEMOGLOBIN A1C(HA1C) (Order 368602039)

## HEMOGLOBIN A1C(HA1C) [368602039] (Abnormal)

Resulted: 07/31/18 1149, Result status: Final result

Ordering provider: Balakrishnan, Shyam E, MD 07/31/18 1110

Resulting lab: GENESYS MARTINSVILLE

## Specimen Information

Type	Source	Collected On
Blood, Venous	—	07/31/18 1122

## Components

Component	Value	Reference Range	Flag	Lab
Hemoglobin A1C	9.1	3.8 - 5.9 %	H	gen martinsvi

## Testing Performed By

Lab - Abbreviation	Name	Director	Address	Valid Date Range
212 - gen martinsvi	GENESYS MARTINSVILLE	Unknown	1107 A Brookdale St Martinsville VA 24112	09/14/10 1917 - Present

## Reviewed by List

Balakrishnan, Shyam E, MD on 8/1/2018 10:31  
Balakrishnan, Shyam E, MD on 7/31/2018 11:50

END OF REPORT





LETTER TO THE CLERK OF THE CIRCUIT COURT FOR THE CITY OF  
MARTINSVILLE – REQUESTING CONFIRMATION OF FILINGS

RE: COMMONWEALTH OF VIRGINIA AND CITY OF MARTINSVILLE  
V. BRIAN DAVID HILL; CASE NO. CR19000009-00

TUESDAY, FEBRUARY 22, 2022

<b><u>ATTN: Clerk of the Court - Hon. Ashby R. Pritchett</u></b>	<b>Circuit Court for the City of Martinsville</b> <b>55 W. Church Street</b> <b>Martinsville, VA 24114-1206</b> <b>Phone: (276) 403-5106</b> <b>Fax: (276) 403-5232</b> <b>email: <a href="mailto:APritchett@vacourts.gov">APritchett@vacourts.gov</a></b>
<b><u>CC: Hon. Giles Carter Greer</u></b>	<b>Circuit Court for the City of Martinsville</b> <b>55 W. Church Street</b> <b>Martinsville, VA 24114-1206</b> <b>Phone: (276) 403-5106</b> <b>Fax: (276) 403-5232</b> <b>email: <a href="mailto:cgreer@ci.martinsville.va.us">cgreer@ci.martinsville.va.us</a></b>

Dear Hon. Ashby R. Pritchett, Clerk of the Circuit Court,  
 CC: Respondent Glen Andrew Hall, Esquire, Commonwealth Attorney  
 CC: Hon. Giles Carter Greer, presiding Judge of the Circuit Court

I would like to ask you to confirm that the following pleadings in their entirety were filed, put on the Record of this criminal case, and that all of the foregoing pleadings were or are being reviewed by the Hon. Giles Carter Greer, presiding Judge:

Pleadings:

1. Corrected Motion requesting Judgment of Acquittal or New Trial
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PAGE 1 OF 7 - LETTER TO CLERK, CC: JUDGE OF CIRCUIT COURT RE: MOTION



GLEN ANDREW HALL, ESQUIRE (OFFICER OF THE COURT)  
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Also my mother Roberta Hill had to go into wordpress and upload one of my pleadings for the Clerk to download and file in the case record due to it being difficult to



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send PDF attachments in email above a certain MegaByte limit. My mother may need to remove the PDF file from the public website accessible link after confirmation of receipt as it may contain social security numbers and private medical information and the wrong people should not download any non-redacted copies. So please confirm Hon. Ashby Pritchett that you have downloaded the PDF pleading from one her email link so that I can have her remove the non-redacted version from the wordpress link.

This letter requesting confirmation of the filing of those pleadings and that each and every one of them were filed and to be reviewed by the presiding Judge of the Circuit Court. It is very important as it is highly likely there will be an appeal regardless of whether the Motion for New Trial or Judgment of Acquittal is granted or denied based on the new 2021st Virginia Code § 19.2-271.6 where I have new evidence and a new criminal defense that I did not have previously in 2019. That alone should be enough to possibly grant me a new trial and allow me to defend myself against the charge of indecent exposure in front of a jury. That should give me the grounds warranting trial.

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Knowing how much Glen Andrew Hall, Esquire will fight tooth and nail to the bitter end to win each and every one of his criminal case prosecutions, I understand that he will highly likely appeal a favorable decision, or I will appeal if I receive an unfavorable decision. So I need to know that all evidence is reviewed and is on the record, because those need to be confirmed as to being on record so that it is also reviewable on direct appeal. It needs to all be on there, every page for future appeal.

You can send me a written confirmation by mail or at least email my mother back at [rbhill67@comcast.net](mailto:rbhill67@comcast.net) or [rbhill67@justiceforuswgo.nl](mailto:rbhill67@justiceforuswgo.nl).

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If my motion is granted and appeals exhausted by the Commonwealth, if I am granted a new trial, I will represent myself as I can do 100x better than Matthew Scott Thomas Clark. I do not trust the attorneys in this district. Especially Lauren McGarry.

My first motion I will file if the criminal case is reopened is NOTICE to the Commonwealth Attorney under Virginia Code § 19.2-271.6 that I intend on using my "psychosis", Autism, and Obsessive Compulsive Disorder, as well as my brittle Type One Diabetes as my defense of no intent under Mens Rea.

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If I am granted a new trial, I will file the NOTICE to the Commonwealth to use a criminal defense under Virginia Code § 19.2-271.6. Defense of no intent.

Second motion is I will ask for a new mental evaluation since the original evaluation in the General District Court had a defect where the original evaluator was not aware of Piedmont Community Services forensic psychiatrist Dr. Conrad Daum had diagnosed me as to having a “psychosis” with not of a known substance. That evaluation was never taken into consideration by Dr. Rebecca K. Lochrer, PhD and she did not know of that evaluation. The Martinsville City Jail was aware of that evaluation but not Dr. Rebecca K. Lochrer, PhD. So that entire mental evaluation is botched and needs to be re-conducted by the Order of the Court. That mental evaluation was conducted prior to the passage of Virginia Code § 19.2-271.6. Now a new mental evaluation would be necessary if there is to be a new Jury Trial.

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I will file a WITNESS LIST and EXHIBIT LIST of the evidence and witnesses I plan on using at the Jury Trial and allow the Commonwealth's Attorney to challenge any of it for admissibility. Then the evidence and witnesses not suppressed I plan on using at the Jury Trial. I am entitled to the Americans with Disabilities Act in this Circuit Court. So on the day of the Trial, I am allowed to request Autism Advocates to be present at my hearing and will file a request with the ADA Coordinator - Dr. Renée Fleming Mills of the Office of the Executive Secretary of the Supreme Court of Virginia. To make sure that the jury and judge is instructed that somebody with Autism Spectrum Disorder and



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Diabetes can give misleading indications of false guilt and can misconstrue the Autism Spectrum Disorder. So medical advocates are necessary for a FAIR TRIAL upon granting a new trial. Misleading unintentional indications of false guilt. The Jury must conduct the Trial in a fair manner and impartial manner. The potential jurors must be questioned to ensure that they will not be judgmental Christian bible belt jurors. Matthew Scott Thomas Clark my former attorney made it clear that the jurors would be Christian bible belt people who would judge me over any and every little thing.

So I would file motions asking that the potential jurors be questioned to ensure that they are judging based on the facts and not based on being a Christian. If theoretically Ghislaine Maxwell had requested a new trial because one of the jurors was molested as a child and lied about that and did not mention that fact to the Federal Court and thus would hold partial views. If Ghislaine Maxwell can ask for a New Trial based on that alone, then Brian David Hill is entitled to the same Constitutional protections as Ghislaine Maxwell. The same constitutional protections. So I am entitled to jurors who will act impartial as triers of fact. I will file motions to ensure all of that and ensure that I am given a fair Jury Trial in the Circuit Court of the City of Martinsville.

I would like to request the Commonwealth Attorney's response to my letter and his position as to me asking for a New Trial or Judgment of Acquittal. I am ready to have this case tried again. I am willing to risk it all to clear my name and be found not guilty. I am ready to file the pre-trial motions and request depositions or interrogatories.

I have new legal protections in place that did not exist in 2019. I can think more clearly because I have not been under Carbon Monoxide Gas exposure after my arrest on September 21, 2018. I have what I need to consider it worthy of risking a sentence to be found not guilty. My family is ready to proceed, I am ready to proceed with new trial.

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT  
DATE: 02/22/2022 @09:49:47

ASHBY PRITCHETT, CLERK

TESTE: *R. Mahan*  
CLERK/DEPUTY CLERK

*Brian D. Hill*  
*Signed*

Brian D. Hill

God bless you,

Brian D. Hill

Ally of Q, Former news reporter of U.S.W.G.O. Alternative News

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

(276) 790-3505

**U.S.W.G.O.**

JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com

LETTER TO THE CLERK OF THE CIRCUIT COURT FOR THE CITY OF  
MARTINSVILLE – REQUESTING CONFIRMATION OF FILINGS

RE: COMMONWEALTH OF VIRGINIA AND CITY OF MARTINSVILLE  
V. BRIAN DAVID HILL; CASE NO. CR19000009-00

TUESDAY, FEBRUARY 22, 2022

<b><u>ATTN: Clerk of the Court - Hon. Ashby R. Pritchett</u></b>	Circuit Court for the City of Martinsville 55 W. Church Street Martinsville, VA 24114-1206 Phone: (276) 403-5106 Fax: (276) 403-5232 email: <a href="mailto:APritchett@vacourts.gov">APritchett@vacourts.gov</a>
<b><u>CC: Hon. Giles Carter Greer</u></b>	Circuit Court for the City of Martinsville 55 W. Church Street Martinsville, VA 24114-1206 Phone: (276) 403-5106 Fax: (276) 403-5232 email: <a href="mailto:cgreer@ci.martinsville.va.us">cgreer@ci.martinsville.va.us</a>

Dear Hon. Ashby R. Pritchett, Clerk of the Circuit Court,  
CC: Respondent Glen Andrew Hall, Esquire, Commonwealth Attorney  
CC: Hon. Giles Carter Greer, presiding Judge of the Circuit Court

I would like to ask you to confirm that the following pleadings in their entirety were filed, put on the Record of this criminal case, and that all of the foregoing pleadings were or are being reviewed by the Hon. Giles Carter Greer, presiding Judge:

Pleadings:

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2. AMENDED EVIDENCE OR AMENDED MEMORANDUM - 2ND WITNESS LETTER; AMENDED WITNESS LETTER; LEGAL ARGUMENTS AND AFFIDAVITS IN SUPPORT OF DEFENDANT'S "MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL BASED UPON NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT THE TIME OF CONVICTION; NEW EVIDENCE OF SPOILIATION OF EVIDENCE COMMITTED BY COMMONWEALTH OF VIRGINIA; REQUEST FOR SANCTIONS AGAINST COUNSEL

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So I would file motions asking that the potential jurors be questioned to ensure that they are judging based on the facts and not based on being a Christian. If theoretically Ghislaine Maxwell had requested a new trial because one of the jurors was molested as a child and lied about that and did not mention that fact to the Federal Court and thus would hold partial views. If Ghislaine Maxwell can ask for a New Trial based on that alone, then Brian David Hill is entitled to the same Constitutional protections as Ghislaine Maxwell. The same constitutional protections. So I am entitled to jurors who will act impartial as triers of fact. I will file motions to ensure all of that and ensure that I am given a fair Jury Trial in the Circuit Court of the City of Martinsville.

I would like to request the Commonwealth Attorney's response to my letter and his position as to me asking for a New Trial or Judgment of Acquittal. I am ready to have this case tried again. I am willing to risk it all to clear my name and be found not guilty. I am ready to file the pre-trial motions and request depositions or interrogatories.

I have new legal protections in place that did not exist in 2019. I can think more clearly because I have not been under Carbon Monoxide Gas exposure after my arrest on September 21, 2018. I have what I need to consider it worthy of risking a sentence to be found not guilty. My family is ready to proceed, I am ready to proceed with new trial.

  
Signed

Brian D. Hill

God bless you,  
Brian D. Hill

Ally of Q, Former news reporter of U.S.W.G.O. Alternative News  
310 Forest Street, Apartment 2  
Martinsville, Virginia 24112  
(276) 790-3505



JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA

v.

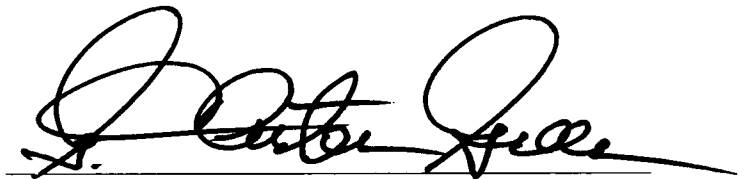
ORDER

Case No. CR19000009-00

BRIAN DAVID HILL

UPON CONSIDERATION of the defendant's Motion for Judgment of Acquittal or New Trial, it is ORDERED that said motion is hereby DENIED on the ground of lack of jurisdiction.

ENTER: This 22<sup>nd</sup> day of February, 2022.

A handwritten signature in black ink, appearing to read "S. Carter", is written over a horizontal line.

Judge

Endorsement is dispensed with – Rule 1:13

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

**COMMONWEALTH OF VIRGINIA,  
CITY OF MARTINSVILLE,  
PLAINTIFF,**

**v.**

**BRIAN DAVID HILL,  
DEFENDANT.**

CASE NO: CR19000009-00

**NOTICE OF APPEAL**

Brian David Hill, criminal case Defendant, and Appellant, pro se, hereby appeals to the Court of Appeals of Virginia from the final judgment of this Court by final order entered February 22, 2022, denying Brian Hill's entitled "MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL BASED UPON NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT THE TIME OF CONVICTION; NEW EVIDENCE OF SPOILIATION OF EVIDENCE COMMITTED BY COMMONWEALTH OF VIRGINIA; REQUEST FOR SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL, ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA FOOTAGE AND IT IS LIKELY DESTROYED AND BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON DAY OF CHARGE, ALSO LIKELY DESTROYED".

There are no transcripts as there was no hearing over the denial of that motion. Also entitled "defendant's Motion for Judgment of Acquittal or New Trial".

This appeal is being filed in good faith as it doesn't make sense for a Court to punish a criminal Defendant and have his Federal Supervised Release revoked in 2019 and have Defendant pay legal fees but not give him the Due Process legal

right under the U.S. Constitution and Virginia Constitution to challenge the wrongful conviction based on newly admissible evidence that wasn't admissible in 2019 at the time Defendant had withdrawn his appeal.

Whenever the Defendant had withdrawn his appeal, he never waived his right to prove his innocence or even his right to collaterally attack his criminal conviction based upon new evidence or future evidence or evidence which became admissible at a later time due to a change in Virginia Law. The Court is in the wrong and has deprived Brian David Hill of the Due Process of Law under the Fourteenth Amendment of the U.S. Constitution and Article I, Section 11 of the Virginia Constitution. Due process of law of the Virginia Constitution. This Court has deprived this Defendant of due process of law and neglect of duty. This Defendant has a CONSTITUTIONAL or LEGAL RIGHT to a New Trial by Jury whenever new evidence surfaces showing the innocence of Brian David Hill, Brian is entitled to a NEW TRIAL by JURY. Withdrawing appeal does not take away all rights of Brian David Hill, he said in his Motion to Withdraw Appeal back in 2019 that he did not waive all rights and preserved some rights. That withdraw was supposed to only be technical but be allowed to be challenged upon enough evidence of Actual Innocence. A Court cannot just say they don't have jurisdiction to challenge a wrongful conviction but have the jurisdiction to make a criminal Defendant pay legal fees and have a criminal record used against him. The Due Process Clause requires that they cannot demand money from me or anything without due process of law. That was not due process what the Court had entered today. This Court clearly has jurisdiction for requests for a NEW TRIAL. Defendant has read Virginia case law where new evidence can constitute a valid request for a new trial in a post-conviction motion. This Court has clearly IGNORED THE LAW and ignored the law repetitively. This is not a valid decision when there is clearly new evidence and new evidence which starts on the day which that evidence was made admissible

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If this Court doesn't have jurisdiction to overturn its own wrongful conviction, then "who the hell does then?" as former Governor Jesse Ventura said in a press conference over a judicial decision. He said: "The Court said that I don't have jurisdiction, well then who the hell does? Who the hell does then?" This Court wrongfully convicts Brian David Hill of Indecent Exposure under § 18.2-387 but refuses to allow the criminal Defendant to challenge that wrongful conviction.

This is unconstitutional and if the Court does not have jurisdiction to allow Defendant to challenge his wrongful conviction; then maybe this Court doesn't have jurisdiction to make Defendant pay any legal fees either because forcing the Defendant to pay legal fees in this case is Unconstitutional and violates the Due Process clause of the Fourteenth Amendment, when the Court refuses to allow the Defendant to even challenge his wrongful conviction. Due Process is not one sided. Either it has the jurisdiction to allow the Defendant to challenge why he should be forced to pay any legal fees for a crime he is innocent of, or the Court shouldn't have jurisdiction to even enforce it since they refuse to give the Defendant to even challenge why he is being punished by this same Court. This is wrong.

Respectfully submitted with the Court, This the 22th day of February, 2022.



Brian D. Hill  
Signed

Brian D. Hill

Brian D. Hill  
Defendant  
Appellant, pro se  
Former news reporter of U.S.W.G.O. Alternative News  
Ally of Q  
310 Forest Street, Apartment 2  
Martinsville, Virginia 24112  
(276) 790-3505



JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com

### **CERTIFICATE OF SERVICE, CERTIFICATE OF FILING**

The undersigned certifies as follows:

(1) The name and address of the Appellant is:

Brian David Hill – Ally of Q and Attorney Lin Wood

Family/Friend site: JusticeForUSWGO.wordpress.com or JusticeForUSWGO.NL

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

(2) Appellant is not represented by counsel at this time.

(3) The names of Appellees is:

Commonwealth of Virginia

City of Martinsville

(4) The name, address, and telephone number of counsel for appellees' is:

G. Andrew Hall

Martinsville Commonwealth's Attorney

55 W. Church Street  
Martinsville, VA 24112  
(276) 403-5470

- (5) A copy of this Notice of Appeal has been transmitted by fax/facsimile and transmitted by Roberta Hill (electronic filing representative) via email to the Martinsville Circuit Court Clerk's Office, to opposing counsel, and electronically filed by Roberta Hill (electronic filing representative) through the Court's VACES system to the Clerk of the Court of Appeals of Virginia, all on February 22, 2022. Like on the day of 1776, the new cycle of Pluto. The day of independence and freedom.

The following parties with fax numbers and email addresses of the parties are listed herein:

Glen Andrew Hall, Esq. Commonwealth Attorney's Office for the City of Martinsville 55 West Church Street P.O. Box 1311 Martinsville, Virginia 24114/24112 Attorney for the Commonwealth Phone: (276) 403-5470 Fax: (276) 403-5478 Email: <a href="mailto:ahall@ci.martinsville.va.us">ahall@ci.martinsville.va.us</a>	Hon. Ashby R. Pritchett, Clerk of the Court Circuit Court for the City of Martinsville Phone: 276-403-5106 Fax: 276-403-5232 55 West Church Street, Room 205 P.O. Box 1206 Martinsville, VA 24114 Email: <a href="mailto:apritchett@vacourts.gov">apritchett@vacourts.gov</a>
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The reason why Brian David Hill must use such a representative to serve such pleading with the Clerk on his behalf is because Brian is currently still under the conditions of Supervised Release for the U.S. District Court barring internet usage without permission. Brian's Probation Officer is aware of Roberta Hill using her email for conducting court business concerning Brian Hill or court business with the Probation Office in regards to Brian David Hill. Therefore Roberta Hill is filing the pleading on

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Signed

Brian D. Hill

Brian D. Hill

Defendant

Appellant, pro se

Former news reporter of U.S.W.G.O. Alternative News

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Where We Go One, We Go All

Freedom, Independence, the need for liberty and the rule of law.



VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA

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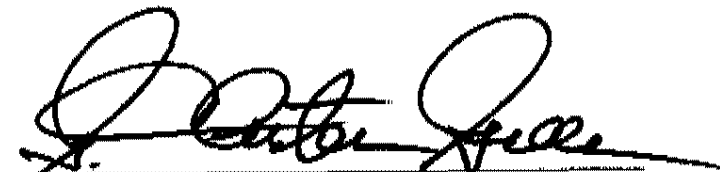
ORDER

Case No. CR19000009-00

BRIAN DAVID HILL

UPON CONSIDERATION of the defendant's Motion for Judgment of Acquittal or New Trial, it is ORDERED that said motion is hereby DENIED on the ground of lack of jurisdiction.

ENTER: This 22<sup>nd</sup> day of February, 2022.

A handwritten signature in black ink, appearing to read "J. Carter", is written over a horizontal line.

Judge

Endorsement is dispensed with – Rule 1:13

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

**COMMONWEALTH OF VIRGINIA,**  
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CASE NO: CR19000009-00

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Brian D. Hill  
Signed  
Brian D. Hill

Brian D. Hill  
Defendant  
Appellant, pro se  
Former news reporter of U.S.W.G.O. Alternative News  
Ally of Q  
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(276) 790-3505



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(1) The name and address of the Appellant is:

Brian David Hill – Ally of Q and Attorney Lin Wood

Family/Friend site: JusticeForUSWGO.wordpress.com or JusticeForUSWGO.NL

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

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City of Martinsville

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G. Andrew Hall

Martinsville Commonwealth's Attorney

55 W. Church Street  
Martinsville, VA 24112  
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Signed

Brian D. Hill

Brian D. Hill

Defendant

Appellant, pro se

Former news reporter of U.S.W.G.O. Alternative News

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VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA

v.

ORDER

Case No. CR19000009-00

BRIAN DAVID HILL

UPON CONSIDERATION of the defendant's Motion for Judgment of Acquittal, which the Court treats as a Petition for Writ of Actual Innocence, it is ORDERED that said petition is hereby DENIED on the ground that the petition should have been filed in the Court of Appeals, and that this court, accordingly, lacks jurisdiction.

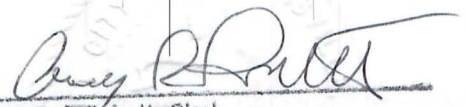
ENTER: This 10<sup>th</sup> day of February, 2022.



Judge

WENTY-FIRST  
ICIAL CIRCUIT  
OF VIRGINIA

Endorsement is dispensed with – Rule 1:13

A Cop.   
Teste Ashley P. Fitchett, Clerk  
By. \_\_\_\_\_ Deputy Clerk



VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

**COMMONWEALTH OF VIRGINIA,**  
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Brian D. Hill  
Signed  
Brian D. Hill



Brian D. Hill  
Defendant  
Appellant, pro se  
Former news reporter of U.S.W.G.O. Alternative News  
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310 Forest Street, Apartment 2  
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The undersigned certifies as follows:

- (1) The name and address of the Appellant is:  
Brian David Hill – Ally of Q and Attorney Lin Wood  
Family/Friend site: JusticeForUSWGO.wordpress.com or JusticeForUSWGO.NL  
310 Forest Street, Apartment 2  
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- (2) Appellant is not represented by counsel at this time.
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Commonwealth of Virginia  
City of Martinsville
- (4) The name, address, and telephone number of counsel for appellees' is:  
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Martinsville Commonwealth's Attorney



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Brian D. Hill  
Signed

Brian D. Hill

Brian D. Hill

Defendant

Appellant, pro se

Former news reporter of U.S.W.G.O. Alternative News

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**U.S.W.G.O.**



Where We Go One, We Go All

Freedom, Independence, the need for liberty and the rule of law.

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT  
DATE: 02/23/2022 @09:45:27

ASHBY PRITCHETT, CLERK

TESTE: Jennigan Cooper  
CLERK/DEPUTY CLERK



VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA

v.


ORDER

Case No. CR19000009-00


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Judge

Endorsement is dispensed with – Rule 1:13

  
Atty. Gen.  
Teste Ashby R. Pritchett, Clerk  
By. \_\_\_\_\_, Deputy Clerk

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT  
DATE: 02/23/2022 @09:45:38

ASHBY PRITCHETT ,CLERK

TESTE: *Jennifer Cardin*  
~~CLERK/DEPUTY CLERK~~





Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

**COMMONWEALTH OF VIRGINIA,**  
**CITY OF MARTINSVILLE,**  
**PLAINTIFF,**

v.

**BRIAN DAVID HILL,**  
**DEFENDANT.**

CASE NO: CR19000009-00

### **NOTICE OF APPEAL**

Brian David Hill, criminal case Defendant, and Appellant, pro se, hereby appeals to the Court of Appeals of Virginia from the final judgment of this Court by final order entered February 22, 2022, denying Brian Hill's entitled "MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL BASED UPON NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT THE TIME OF CONVICTION; NEW EVIDENCE OF SPOILIATION OF EVIDENCE COMMITTED BY COMMONWEALTH OF VIRGINIA; REQUEST FOR SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL, ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA FOOTAGE AND IT IS LIKELY DESTROYED AND BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON DAY OF CHARGE, ALSO LIKELY DESTROYED".

There are no transcripts as there was no hearing over the denial of that motion. Also entitled "defendant's Motion for Judgment of Acquittal or New Trial".

This appeal is being filed in good faith as it doesn't make sense for a Court to punish a criminal Defendant and have his Federal Supervised Release revoked in 2019 and have Defendant pay legal fees but not give him the Due Process legal



right under the U.S. Constitution and Virginia Constitution to challenge the wrongful conviction based on newly admissible evidence that wasn't admissible in 2019 at the time Defendant had withdrawn his appeal.

Whenever the Defendant had withdrawn his appeal, he never waived his right to prove his innocence or even his right to collaterally attack his criminal conviction based upon new evidence or future evidence or evidence which became admissible at a later time due to a change in Virginia Law. The Court is in the wrong and has deprived Brian David Hill of the Due Process of Law under the Fourteenth Amendment of the U.S. Constitution and Article I, Section 11 of the Virginia Constitution. Due process of law of the Virginia Constitution. This Court has deprived this Defendant of due process of law and neglect of duty. This Defendant has a CONSTITUTIONAL or LEGAL RIGHT to a New Trial by Jury whenever new evidence surfaces showing the innocence of Brian David Hill, Brian is entitled to a NEW TRIAL by JURY. Withdrawing appeal does not take away all rights of Brian David Hill, he said in his Motion to Withdraw Appeal back in 2019 that he did not waive all rights and preserved some rights. That withdraw was supposed to only be technical but be allowed to be challenged upon enough evidence of Actual Innocence. A Court cannot just say they don't have jurisdiction to challenge a wrongful conviction but have the jurisdiction to make a criminal Defendant pay legal fees and have a criminal record used against him. The Due Process Clause requires that they cannot demand money from me or anything without due process of law. That was not due process what the Court had entered today. This Court clearly has jurisdiction for requests for a NEW TRIAL. Defendant has read Virginia case law where new evidence can constitute a valid request for a new trial in a post-conviction motion. This Court has clearly IGNORED THE LAW and ignored the law repetitively. This is not a valid decision when there is clearly new evidence and new evidence which starts on the day which that evidence was made admissible



under new law passed in 2021. I cannot be expected to file evidence when at the time in 2019 that evidence was inadmissible and treated like it is not legally valid. Now that the evidence is admissible and legally valid, it is NEW EVIDENCE and was not available at the time of withdrawing appeal. This Court is in the wrong and has deprived Defendant of due process of law and has exhibited CRUEL AND UNUSUAL PUNISHMENTS INFLICTED against somebody who lives off of SSI federal disability money; and is innocent of his crime. This is uncalled for.

If this Court doesn't have jurisdiction to overturn its own wrongful conviction, then "who the hell does then?" as former Governor Jesse Ventura said in a press conference over a judicial decision. He said: "The Court said that I don't have jurisdiction, well then who the hell does? Who the hell does then?" This Court wrongfully convicts Brian David Hill of Indecent Exposure under § 18.2-387 but refuses to allow the criminal Defendant to challenge that wrongful conviction.

This is unconstitutional and if the Court does not have jurisdiction to allow Defendant to challenge his wrongful conviction; then maybe this Court doesn't have jurisdiction to make Defendant pay any legal fees either because forcing the Defendant to pay legal fees in this case is Unconstitutional and violates the Due Process clause of the Fourteenth Amendment, when the Court refuses to allow the Defendant to even challenge his wrongful conviction. Due Process is not one sided. Either it has the jurisdiction to allow the Defendant to challenge why he should be forced to pay any legal fees for a crime he is innocent of, or the Court shouldn't have jurisdiction to even enforce it since they refuse to give the Defendant to even challenge why he is being punished by this same Court. This is wrong.

Respectfully submitted with the Court, This the 22th day of February, 2022.



Brian D. Hill  
Signed  
Brian D. Hill



Brian D. Hill  
Defendant  
Appellant, pro se  
Former news reporter of U.S.W.G.O. Alternative News  
Ally of Q  
310 Forest Street, Apartment 2  
Martinsville, Virginia 24112  
(276) 790-3505



JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com

### **CERTIFICATE OF SERVICE, CERTIFICATE OF FILING**

The undersigned certifies as follows:

(1) The name and address of the Appellant is:

Brian David Hill – Ally of Q and Attorney Lin Wood  
Family/Friend site: JusticeForUSWGO.wordpress.com or JusticeForUSWGO.NL  
310 Forest Street, Apartment 2  
Martinsville, Virginia 24112

(2) Appellant is not represented by counsel at this time.

(3) The names of Appellees is:

Commonwealth of Virginia  
City of Martinsville

(4) The name, address, and telephone number of counsel for appellees' is:

G. Andrew Hall  
Martinsville Commonwealth's Attorney



55 W. Church Street  
Martinsville, VA 24112  
(276) 403-5470

- (5) A copy of this Notice of Appeal has been transmitted by fax/facsimile and transmitted by Roberta Hill (electronic filing representative) via email to the Martinsville Circuit Court Clerk's Office, to opposing counsel, and electronically filed by Roberta Hill (electronic filing representative) through the Court's VACES system to the Clerk of the Court of Appeals of Virginia, all on February 22, 2022. Like on the day of 1776, the new cycle of Pluto. The day of independence and freedom.

The following parties with fax numbers and email addresses of the parties are listed herein:

Glen Andrew Hall, Esq. Commonwealth Attorney's Office for the City of Martinsville 55 West Church Street P.O. Box 1311 Martinsville, Virginia 24114/24112 Attorney for the Commonwealth Phone: (276) 403-5470 Fax: (276) 403-5478 Email: <a href="mailto:ahall@ci.martinsville.va.us">ahall@ci.martinsville.va.us</a>	Hon. Ashby R. Pritchett, Clerk of the Court Circuit Court for the City of Martinsville Phone: 276-403-5106 Fax: 276-403-5232 55 West Church Street, Room 205 P.O. Box 1206 Martinsville, VA 24114 Email: <a href="mailto:apritchett@vacourts.gov">apritchett@vacourts.gov</a>
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The reason why Brian David Hill must use such a representative to serve such pleading with the Clerk on his behalf is because Brian is currently still under the conditions of Supervised Release for the U.S. District Court barring internet usage without permission. Brian's Probation Officer is aware of Roberta Hill using her email for conducting court business concerning Brian Hill or court business with the Probation Office in regards to Brian David Hill. Therefore Roberta Hill is filing the pleading on



Brian's behalf for official court business. Brian has authorized her to file the pleading. All exhibits or any exhibits with anything printed from any internet based service was printed and researched by Roberta Hill.

That should satisfy the Certificate of Service regarding letters/pleadings during the ongoing Covid-19 pandemic. If the Court wishes to contact the filer over any issues or concerns, please feel free to contact the filer Brian David Hill directly by telephone or by mailing. They can also contact c / o Roberta Hill at [rbhill67@comcast.net](mailto:rbhill67@comcast.net) and request that she forward the message and any documents or attachments to Brian David Hill to view offline for his review.

Brian D. Hill  
Signed

Brian D. Hill

Brian D. Hill

Defendant

Appellant, pro se

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

(276) 790-3505

JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com

**U.S.W.G.O.**



Where We Go One, We Go All

Freedom, Independence, the need for liberty and the rule of law.

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT  
DATE: 02/23/2022 @09:44:55

ASHBY PRITCHETT, CLERK

TESTE: Jennifer C. Pritchett  
CLERK/DEPUTY CLERK



VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA

v.

ORDER

Case No. CR19000009-00

BRIAN DAVID HILL

UPON CONSIDERATION of the defendant's Motion for Judgment of Acquittal or New Trial, it is ORDERED that said motion is hereby DENIED on the ground of lack of jurisdiction.

ENTER: This 22<sup>nd</sup> day of February, 2022.

Judge

Endorsement is dispensed with – Rule 1:13

TWENTY-FIRST  
JUDICIAL CIRCUIT  
OF VIRGINIA

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT  
DATE: 02/23/2022 @09:44:55

ASHBY PRITCHETT, CLERK

TESTE:   
CLERK/DEPUTY CLERK

CIRCUIT COURT CLERK'S OFFICE  
**City of Martinsville**  
POST OFFICE BOX 1206  
MARTINSVILLE, VIRGINIA 24114-1206



ASHBY R. PRITCHETT, CLERK

May 25, 2022

Honorable A. John Vollino  
Clerk, Court of Appeals  
109 North Eighth Street  
Richmond, Virginia 23219-2321

Dear Mr. Vollino:

In Re: CR190000009-00

Per your request enclosed you will find the entire file and appeal styled Commonwealth of Virginia V Brian David Hill, filed therein.

THIS APPEAL WAS TRANSMITTED ELECTRONICALLY.

Thank you for your attention in this matter.

Sincerely yours,

Terry T. Morton,

Certified Master Deputy Circuit Court Clerk

/ttm

Enclosures

CC: Brian D. Hill, Pro Se-Appellant  
G. Andrew Hall, Commonwealth's Attorney-Appellee



**Petition for Relief From a Conviction or Sentence  
By a Person in State Custody**

**(Petition Under 28 U.S.C. § 2254 for a Writ of Habeas Corpus)**

**Instructions**

1. To use this form, you must be a person who is currently serving a sentence under a judgment against you in a state court. You are asking for relief from the conviction or the sentence. This form is your petition for relief.
2. You may also use this form to challenge a state judgment that imposed a sentence to be served in the future, but you must fill in the name of the state where the judgment was entered. If you want to challenge a federal judgment that imposed a sentence to be served in the future, you should file a motion under 28 U.S.C. § 2255 in the federal court that entered the judgment.
3. Make sure the form is typed or neatly written.
4. You must tell the truth and sign the form. If you make a false statement of a material fact, you may be prosecuted for perjury.
5. Answer all the questions. You do not need to cite law. You may submit additional pages if necessary. If you do not fill out the form properly, you will be asked to submit additional or correct information. If you want to submit any legal arguments, you must submit them in a separate memorandum. Be aware that any such memorandum may be subject to page limits set forth in the local rules of the court where you file this petition.
6. You must pay a fee of \$5. If the fee is paid, your petition will be filed. If you cannot pay the fee, you may ask to proceed in forma pauperis (as a poor person). To do that, you must fill out the last page of this form. Also, you must submit a certificate signed by an officer at the institution where you are confined showing the amount of money that the institution is holding for you. If your account exceeds \$ \_\_\_\_\_, you must pay the filing fee.
7. In this petition, you may challenge the judgment entered by only one court. If you want to challenge a judgment entered by a different court (either in the same state or in different states), you must file a separate petition.
8. When you have completed the form, send the original and   3   copies to the Clerk of the United States District Court at this address:

**Clerk, United States District Court for Western District of Virginia  
210 Franklin Road S.W., Suite 540  
Roanoke, VA 24011**

If you want a file-stamped copy of the petition, you must enclose an additional copy of the petition and ask the court to file-stamp it and return it to you.

9. **CAUTION:** You must include in this petition all the grounds for relief from the conviction or sentence that you challenge. And you must state the facts that support each ground. If you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.
10. **CAPITAL CASES:** If you are under a sentence of death, you are entitled to the assistance of counsel and should request the appointment of counsel.

**PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF  
HABEAS CORPUS BY A PERSON IN STATE CUSTODY**

<b>United States District Court</b>		District: Western District of Virginia	
Name (under which you were convicted): <b>Brian David Hill</b>			Docket or Case No.:
Place of Confinement : Supervised Release under U.S. Probation Office; Federal sentence extended directly caused by State conviction of CR19000009-00		Prisoner No.:	
Petitioner (include the name under which you were convicted)  <b>Brian David Hill 310 Forest Street, Apartment 2 Martinsville, Virginia 24112</b>		Respondent (authorized person having custody of petitioner)  <b>Commonwealth of Virginia 202 North Ninth Street Richmond, VA 23219</b>	
The Attorney General of the State of: Virginia			

**PETITION**

Respondent #2: Glen Andrew Hall, Esq.  
P.O. Box 1311  
Martinsville, Virginia 24114

1. (a) Name and location of court that entered the judgment of conviction you are challenging:  
Circuit Court for the City of Martinsville  
55 West Church Street  
Martinsville, VA 24112
- (b) Criminal docket or case number (if you know): CR19000009-00
2. (a) Date of the judgment of conviction (if you know): 11/18/2019
- (b) Date of sentencing: 11/15/2019
3. Length of sentence: time served but supervised release was extended directly caused by State conviction
4. In this case, were you convicted on more than one count or of more than one crime? ☒ Yes ☐ No
5. Identify all crimes of which you were convicted and sentenced in this case: Supervised Release Violation  
in the U.S. District Court for the Middle District of North Carolina as caused by the State charge and  
then conviction in the Circuit Court for the City of Martinsville in the Commonwealth of Virginia.  
The state conviction I am challenging to prove that I did not violate Federal Supervised Release  
conditions is: Circuit Court verdict of guilty, single count charge of (Sept. 21, 2018):  
violation of Martinsville City Ordinance 13-17, Virginia State Code 18.2-387; indecent exposure  
"intentionally make an obscene display of the accused's person or private parts in a public place..."
6. (a) What was your plea? (Check one)
 

<input checked="" type="checkbox"/> (1) Not guilty	<input type="checkbox"/> (3) Nolo contendere (no contest)
<input type="checkbox"/> (2) Guilty	<input type="checkbox"/> (4) Insanity plea

(b) If you entered a guilty plea to one count or charge and a not guilty plea to another count or charge, what did you plead guilty to and what did you plead not guilty to? N/A did not plead guilty but had to withdraw appeal but preserved the right in the Commonwealth of Virginia to demonstrate Actual Innocence to overturn the state conviction. After withdrawing appeal, the jury trial was cancelled, judge entered the judgment. Brian David Hill testified on December 21, 2018 at the General District Court. Brian Hill appealed the finding of guilty, Trial De Novo, to the Circuit Court for the City of Martinsville. No transcripts are available at the General District Court. Case completely transferred to Circuit Court.

(c) If you went to trial, what kind of trial did you have? (Check one)

☐ Jury ☒ Judge only

7. Did you testify at a pretrial hearing, trial, or a post-trial hearing?

☒ Yes ☐ No General District Court Trial on Dec. 21, 2018.

8. Did you appeal from the judgment of conviction?

☒ Yes ☐ No

9. If you did appeal, answer the following:

(a) Name of court: Court of Appeals of Virginia

(b) Docket or case number (if you know): 1295-20-3

(c) Result: Petition denied due to withdrawing appeal and attorney asserted Anders appeal

(d) Date of result (if you know): 09/02/2021

(e) Citation to the case (if you know): Brian David Hill v. Commonwealth of Virginia, et al.

(f) Grounds raised: That Brian David Hill entered what Attorney John Ira Jones, IV assumed was a guilty plea, that argument didn't really work because no guilty plea was ever entered.

A pro se supplemental Petition for Appeal was filed. Grounds raised was that:

"ignored all of Appellant's pro se motions while entertaining the Pro Se filed "Motion to Withdraw Appeal""

"deprived Appellant of Due Process of Law under the Fourteenth Amendment of the U.S. Constitution and deprived Appellant of Effective Assistance of counsel under the Sixth Amendment of the U.S. Constitution"

Other grounds. Too much information for this little paragraph.

(g) Did you seek further review by a higher state court? ☒ Yes ☐ No

If yes, answer the following:

(1) Name of court: Supreme Court of Virginia

(2) Docket or case number (if you know): was not ever docketed due to not filing Petition

(3) Result: Clerk never notified Appellant of requirement of filing Petition for Appeal after Notice of Appeal so appeal quietly not proceeded because of not being notified by Clerk.

(4) Date of result (if you know): 09/24/2021

(5) Citation to the case (if you know): \_\_\_\_\_

(6) Grounds raised: Notice of Appeal filed, Clerk never notified the Appellant of  
the Supreme Court of Virginia requiring proof of indigency and Petition for Appeal with or  
without the record on appeal along with the Notice of Appeal. Appellant assumed the  
appeal was stalled not knowing the Clerk never docketed the case after Notice of Appeal.

(h) Did you file a petition for certiorari in the United States Supreme Court? ☐ Yes ☒ No

If yes, answer the following:

(1) Docket or case number (if you know): N/A

(2) Result: N/A  
N/A

(3) Date of result (if you know): \_\_\_\_\_

(4) Citation to the case (if you know): N/A

10. Other than the direct appeals listed above, have you previously filed any other petitions, applications, or motions concerning this judgment of conviction in any state court? ☒ Yes ☐ No

11. If your answer to Question 10 was "Yes," give the following information:

(a) (1) Name of court: Court of Appeals of Virginia

(2) Docket or case number (if you know): 0173-22-3

(3) Date of filing (if you know): 02/03/2022

(4) Nature of the proceeding: Petition for Writ of Actual Innocence

(5) Grounds raised: Actual Innocence, new Virginia law making previously inadmissible evidence  
as admissible further demonstrating with new evidence that Brian David Hill is innocent of  
his charge and wrongful conviction.

Using new 2021 law § 19.2-271.6. Evidence of defendant's mental condition admissible;  
notice to Commonwealth.

That is a Virginia law on evidence being admissible of autism spectrum disorder  
and any other mental condition. See Virginia Code § 19.2-271.6.

New evidence of innocence. Commonwealth may have illegally destroyed evidence.  
Spoliation of evidence

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes ☒ No

(7) Result: Dismissed due to lack of statutory jurisdiction for misdemeanor cases

(8) Date of result (if you know): 03/01/2022

(b) If you filed any second petition, application, or motion, give the same information:

(1) Name of court: Circuit Court for the City of Martinsville

(2) Docket or case number (if you know): CL19000331-00

(3) Date of filing (if you know): 11/18/2019

(4) Nature of the proceeding: Petition for the Writ of Habeas Corpus

(5) Grounds raised: Actual Innocence - Legal Innocence

Due Process Deprivation, violation of Fourteenth Amendment;

Ineffective Assistance of Counsel, Violation of Fifth Amendment;

Prosecutorial Misconduct by violating State Bar Rule 3.8;

Guilty Plea invalid caused by ineffective counsel (later on found out no guilty plea was entered on the record, judge stricken words of such, no guilty plea entered);

Not the same grounds as Petition for Writ of Actual Innocence except "actual innocence" based on new evidence which became admissible in the year of 2021.

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes ☒ No

(7) Result: Dismissed/Denied

(8) Date of result (if you know): 11/20/2019

(c) If you filed any third petition, application, or motion, give the same information:

(1) Name of court: Motion for New Trial or Judgment of Acquittal based on new evidence

(2) Docket or case number (if you know): CR19000009-00

(3) Date of filing (if you know): 02/14/2022

(4) Nature of the proceeding: Motion for New Trial or Judgment of Acquittal

(5) Grounds raised: New evidence of Brian David Hill being innocent or not guilty of his state

conviction. Due to his psychosis, autism spectrum disorder, and Obsessive compulsive disorder. Brian David Hill had new evidence of medical neglect by Martinsville City Jail and Martinsville Police Department while in custody, medical neglect and evidence destruction, as well as Commonwealth Attorney Glen Andrew Hall violating three Court Orders regarding discovery materials. Evidence destruction.

Tried not to use the terms "actual innocence" because a motion prior to that one was misconstrued as a Petition for the Writ of Actual Innocence and was denied under the claim of not having jurisdiction. Two motions, one asking for acquittal and the other for new trial based on new evidence. other motion was a Motion for Judgment of Acquittal.

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes ☒ No

(7) Result: Denied, lack of jurisdiction, other was construed as Petition for Writ of Actual Innocence

(8) Date of result (if you know): 02/22/2022 Judg. Acquittal motion denied: 02/10/2022

(d) Did you appeal to the highest state court having jurisdiction over the action taken on your petition, application, or motion?

(1) First petition: ☒ Yes ☐ No Appeal pending, no guarantee appeal will succeed

(2) Second petition: ☒ Yes ☐ No failed in Supreme Court of Virginia

(3) Third petition: ☒ Yes ☐ No Appeals pending, no guarantee appeal will succeed

(e) If you did not appeal to the highest state court having jurisdiction, explain why you did not:

Only in the Direct Appeal was not appealed to the Supreme Court of Virginia because the Clerk of the  
SCV did not inform Appellant of the rules regarding appeal from the Court of Appeals of Virginia.

12. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

**CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your available state-court remedies on each ground on which you request action by the federal court. Also, if you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.**

**GROUND ONE:** Actual Innocence

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

All facts filed in the Circuit Court for the City of Martinsville, Petition for the Writ of Actual Innocence, and in the  
Petition for the Writ of Habeas Corpus. None of them were denied based on merits, the evidence of innocence  
was not denied or disapproved but was all denied over jurisdiction technicality such as procedural defects or  
default. Actual Innocence should be allowed and the U.S. Supreme Court is allowing Federal Habeas Petitions  
on the ground of Actual Innocence to overcome procedural bars. This is the only available remedy other than  
a petition or application to the Secretary of the Commonwealth for an absolute pardon.

(b) If you did not exhaust your state remedies on Ground One, explain why: Actual Innocence cannot be brought up  
under procedural bars. I was procedurally barred from all state remedies. I was barred under procedural grounds  
or technicality. I was barred from Writ of Habeas Corpus in Virginia due to not being in State Custody. However,  
I am serving a longer sentence of Supervised Release by the U.S. Probation Office as ordered by the Middle  
District of North Carolina directly caused by the state charge and conviction. Argued in state Court that Actual  
Innocence and me serving more Federal sentence directly caused by the state conviction should preclude the  
procedural defect/default. Supreme Court of Virginia refused my Petition for Appeal, even on Actual Innocence.

**(c) Direct Appeal of Ground One:**

(1) If you appealed from the judgment of conviction, did you raise this issue? N/A ☐ Yes ☒ No

(2) If you did not raise this issue in your direct appeal, explain why: N/A

Actual Innocence is not usually brought up on direct appeal. Actual innocence is brought up with new evidence with a post-conviction motion then that motion can be appealed.

**(d) Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☒ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: Motion for Judgment of Acquittal based on new evidence; January 20, 2022

Name and location of the court where the motion or petition was filed: Circuit Court for the City of Martinsville  
55 West Church Street, Martinsville, VA 24112

Docket or case number (if you know): CR19000009-00

Date of the court's decision: 02/10/2022

Result (attach a copy of the court's opinion or order, if available): Denied, construed as a Petition for the Writ of Actual Innocence, claimed they do not have jurisdiction, not correct because that motion had used Rule 3A:15 - Motion to Strike or to Set Aside Verdict; Judgment of Acquittal or New Trial.

(3) Did you receive a hearing on your motion or petition? ☐ Yes ☒ No

(4) Did you appeal from the denial of your motion or petition? ☒ Yes ☐ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? ☒ Yes ☐ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: Court of Appeals of Virginia

109 North Eighth Street, Richmond, VA 23219-2321

Docket or case number (if you know): CAV # 0290-22-3

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): Unknown

Appeal still pending, but since appeal based on a order claiming lack of jurisdiction, there is no guarantee that this appeal will prevail, therefore this 2254 Motion is being filed prior to 1 year AEDPA.

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

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The Anti-Terrorism and Effective Death Penalty Act doesn't care about post-conviction appeals. I have to file this Motion timely as everything else has failed. A few pending appeals left.

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground One: Petition for the Writ of Actual Innocence filed in 2022 with the Court of Appeals of Virginia. Also brought up in a Motion for Judgment of Acquittal.

**GROUND TWO:** State Court ignored pro se motions during the pending criminal case but did not ignore the Motion to Withdraw Appeal and accept the guilty decision of the General District Court

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

It is on the state court record. The state court record is over 2,000 pages total.

Prior to being convicted, Brian Hill had filed pro se motions because the lawyer wouldn't do anything

Pro Se Motions ignored by the Circuit Court was: (1) Motion to Suppress Evidence; (2) Motion for Discovery;

(3) Motion to Request an Insanity Defense — Sanity at the time of the Offense; (4) MOTION TO DISMISS;

and other motions but not as significant as the ones mentioned in this section. Brian D. Hill filed motions and

one of them was regarding discovery because Glen Andrew Hall the CORRUPT COMMONWEALTH ATTY

of Martinsville violated multiple Court Orders for discovery materials. The Court ordered discovery and the

prosecuting attorney Glen Andrew Hall did not comply with the court orders.

(b) If you did not exhaust your state remedies on Ground Two, explain why: \_\_\_\_\_

may not be allowed to exhaust due to lack of jurisdiction. Was brought up in state Writ of Habeas corpus petition.

(c) **Direct Appeal of Ground Two:**

(1) If you appealed from the judgment of conviction, did you raise this issue? ☒ Yes ☐ No

(2) If you did not raise this issue in your direct appeal, explain why: \_\_\_\_\_

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☒ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: Petition for Writ of Habeas Corpus

Name and location of the court where the motion or petition was filed: Circuit Court for the City of Martinsville

"Because I was represented by counsel that was ineffective, any grounds I would raise pro se would be ignored."

Docket or case number (if you know): CL19000331-00



Date of the court's decision: 11/20/2019

Result (attach a copy of the court's opinion or order, if available): Dismissed

(3) Did you receive a hearing on your motion or petition? ☐ Yes ☒ No

(4) Did you appeal from the denial of your motion or petition? ☒ Yes ☐ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? ☐ Yes ☒ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: Supreme Court of Virginia

First was filed in Court of Appeals of Virginia, transferred to Supreme Court of Virginia.

Docket or case number (if you know): 200267

Date of the court's decision: 12/21/2020

Result (attach a copy of the court's opinion or order, if available): refused Petition for Appeal due to not being in State Custody

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

Because it was more important to bring up Actual Innocence due to the U.S. Supreme Court's multiple rulings on the Actual Innocence exception to procedural defaults/defects. The Supreme Court of Virginia refused the actual innocence arguments. Actual Innocence issue was more important.

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you

have used to exhaust your state remedies on Ground Two : Filed a request for an Absolute Pardon

from the Secretary of the Commonwealth which is like the ombudsman or office which deals with requests for pardons. An absolute pardon is an Executive decree of Actual Innocence.

The absolute pardon request was denied on June 3, 2022.

**GROUND THREE:** Due process deprivation

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

Due process deprivation because of the Circuit Court not providing equal application of the rules, of the law to all sides of a criminal case, all parties. The prosecution was allowed to violate three Court Orders for discovery and non-compliance with court orders is usually "contempt of court". Glen Andrew Hall, Esq. refused to comply with three discovery Court Orders dated (1) November 28, 2018; (2) February 6, 2019; and (3) July 15, 2019.

The prosecution violated three court orders by non-compliance. Got away with it. They can violate any rule or court order they want. Court ignored pro se motions. Due process deprivation, violating 14th Amendment.

(b) If you did not exhaust your state remedies on Ground Three, explain why: only remedy used to bring up the issue of Glen Andrew Hall violating three court orders was the Motions for New Trial and Judgment of Acquittal.

Brought up due process deprivation in pending state appeals but there is no guarantee those appeals will succeed due to the claim of lack of jurisdiction by Judge Greer. State Courts are strict on jurisdiction. So remedy may be not attainable.

(c) **Direct Appeal of Ground Three:**

(1) If you appealed from the judgment of conviction, did you raise this issue? ☐ Yes ☒ No

(2) If you did not raise this issue in your direct appeal, explain why: Because of having ineffective counsel and the lawyer did not push for any contempt proceedings, all pro se motions were ignored by the Judge except motion to withdraw appeal. Pro se ignored, lawyer not ignored. Was forced to withdraw appeal.

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?  
☒ Yes ☐ No b. GROUND TWO: Due Process Deprivation Because I was represented by counsel that was ineffective, any grounds I would raise pro se would be ignored.

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: Petition for Writ of Habeas Corpus

Name and location of the court where the motion or petition was filed: Circuit Court for City of Martinsville

Docket or case number (if you know): CL19000331-00

Date of the court's decision: 11/20/2019

Result (attach a copy of the court's opinion or order, if available): Dismissed

(3) Did you receive a hearing on your motion or petition? ☐ Yes ☒ No

(4) Did you appeal from the denial of your motion or petition? ☒ Yes ☐ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? ☐ Yes ☒ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

In direct appeal to Writ of Habeas Corpus, I did raise the issue of the Court ignoring pro se motions but did not raise the issues of the Court Orders for discovery being violated because I was not aware of those exact Court Orders at the time I filed Writ of Habeas Corpus due to ineffectice counsel.

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Three: Motion for New Trial, Motion for Judgment of Acquittal. I brought up about the Court Orders being violated.

**GROUND FOUR:** Ineffective assistance of counsel

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

Counsel did not raise the issues that Brian David Hill was not medically cleared on September 21, 2018 when he was arrested for indecent exposure. Counsel did not push for any contempt proceedings or contempt charges against Commonwealth Attorney Glen Andrew Hall for violating three Court Orders for discovery. Counsel did not push for any criminal defense, did not disprove any of the Government prosecutor's elements to the charge.

Lawyer can prove Brian David Hill was not medically and psychologically cleared at time of arrest. Lawyer can demonstrate lack of intent, and can also prove that there was no obscenity because Brian Hill did not intend to appeal to the prurient interest in sex. Three elements could have been knocked out, charge dismissed.

(b) If you did not exhaust your state remedies on Ground Four, explain why:

Tried to exhaust this ground in Petition for Writ of Habeas Corpus but failed due to not technically being in state custody. However, Petitioner is suffering under 4 more years of supervised release caused by the state charge and conviction. Conviction proves the Supervised Release Violation. Acquittal can disprove the Supervised Release Violation.

(c) **Direct Appeal of Ground Four:**

(1) If you appealed from the judgment of conviction, did you raise this issue? ☒ Yes ☐ No

(2) If you did not raise this issue in your direct appeal, explain why:

Proof: CITATION: "The Trial Court erred by entering the Final Conviction (Page 434) when the Defendant/Appellant had made complaints about the ineffectiveness of his appointed counsel who clearly was ineffective counsel; never even attempted to file any evidence or witnesses lists prior to the Jury Trial; never attempted a Motion to Dismiss"; from pro se PETITION FOR APPEAL OF APPELLANT, dated March 25, 2021

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☒ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: Petition for Writ of Habeas Corpus

Name and location of the court where the motion or petition was filed: Circuit Court for the City of Martinsville

Docket or case number (if you know): CL19000331-00

Date of the court's decision: 11/20/2019

Result (attach a copy of the court's opinion or order, if available): Dismissal

(3) Did you receive a hearing on your motion or petition? ☐ Yes ☒ No

(4) Did you appeal from the denial of your motion or petition? ☒ Yes ☐ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? ☒ Yes ☐ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: Court of Appeals of Virginia

Docket or case number (if you know): CAV # 0079-20-3

Date of the court's decision: 02/14/2020

Result (attach a copy of the court's opinion or order, if available): Transferred to SCV

RECORD NO. 200267, SCV Supreme Court of Virginia. Did raise the issue of ineffective counsel in  
the Petition for Appeal, but Petition was refused.

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Four: Tried for Absolute Pardon from the Governor's  
Office by and through the Secretary of the Commonwealth. They denied the petition for pardon on  
June 3, 2022. Tried Motions for New Trial and Judgment of Acquittal. Both failed. Pending appeals  
with no guarantee they will succeed and no guarantee they may be recognized as last available remedy  
and the statute of limitations of one year under AEDPA.

13. Please answer these additional questions about the petition you are filing:

- (a) Have all grounds for relief that you have raised in this petition been presented to the highest state court having jurisdiction? ☐ Yes ☒ No

If your answer is "No," state which grounds have not been so presented and give your reason(s) for not presenting them: Not all appeals made it at the Supreme Court of Virginia. This is very complex.

This case is so complex the criminal case alone has over 2,000 pages. The Petition for the Writ of Actual Innocence may have thousands of pages in its record.

It is too complex to explain in this little paragraph. This can be answered in inquiry.

- (b) Is there any ground in this petition that has not been presented in some state or federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them:

GROUND FIVE, not necessary to be brought up in state appeal.; GROUND EIGHT: Petitioner was not aware the Circuit Court would go this far to not equally apply the law.

GROUND NINE: Petitioner didn't know the Court would ignore the evidence until it happened.

14. Have you previously filed any type of petition, application, or motion in a federal court regarding the conviction that you challenge in this petition? ☐ Yes ☒ No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, the issues raised, the date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy of any court opinion or order, if available. N/A - Added this paragraph below not answering question 14.

No remedies worked and so that is why this first filed 2254 Motion is being filed.

The remaining appeals may likely not work so it is iffy. Also the Anti-Terrorism

and Effective Death Penalty Act will not wait for my remaining appeals to be exhausted because my direct appeal was concluded by failed Notice of Appeal to the Supreme Court of Virginia. My conviction became final on September 2, 2021 unless this Court counts my Petition for Rehearing or Rehearing En Banc. That Petition for Rehearing was denied on September 9, 2021. Pardon petition denied.

The Court of Appeals admitted my only remedy I have is the pardon from the Governor. That failed.

15. Do you have any petition or appeal now pending (filed and not decided yet) in any court, either state or federal, for the judgment you are challenging? ☒ Yes ☐ No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised. Court of Appeals of Virginia, docket no. 0290-22-3 and 0289-22-3;

Supreme Court of Virginia, docket no. 220186

If those appeals ever do succeed instead of fail, it could overturn the conviction and cause a order for a new trial or judgment of acquittal. If those appeals fail on jurisdiction then it wouldn't matter about the pending appeals. There may be no available remedies. Things are iffy and not clear.

16. Give the name and address, if you know, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing: Scott Albrecht and Lauren McGarry

Public Defenders Office; located at 10 E Main Street, Martinsville, VA 24112

(b) At arraignment and plea: never plead guilty. State did not have a plea hearing except made a decision to withdraw appeal and I was at the Clerk's office when appeal was withdrawn

(c) At trial: There was no trial as it was cancelled after motion filed to withdraw appeal  
At the General District Court trial on Dec. 21, 2018, it would be Scott Albrecht.

(d) At sentencing: Scott Albrecht and Matthew Scott Thomas Clark. Matthew Clark at Circuit Court.  
Both attorneys have different addresses. Scott Albrecht at General Dist. Court sentencing.

(e) On appeal: John Ira Jones, IV; JOHN JONES LAW, PLC  
9520 Iron Bridge Road, Suite 204, Chesterfield, Virginia 23832

(f) In any post-conviction proceeding: PRO SE  
PRO SE

(g) On appeal from any ruling against you in a post-conviction proceeding: PRO SE  
PRO SE

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? ☒ Yes ☐ No

(a) If so, give name and location of court that imposed the other sentence you will serve in the future:

extended sentence imposed for my Supervised Release by the U.S. Probation Office

U.S. District Court for the Middle District of North Carolina. Four additional years added to 2028.

(b) Give the date the other sentence was imposed: 10/07/2019

(c) Give the length of the other sentence: 9 months imprisonment (overserved), extended supervised rel

(d) Have you filed, or do you plan to file, any petition that challenges the judgment or sentence to be served in the future? ☒ Yes ☐ No

18. TIMELINESS OF PETITION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2244(d) does not bar your petition.\*

The direct appeal which the Court of Appeals had continued jurisdiction of the criminal case, that

appeal had been decided on September 2, 2021. A petition for rehearing was filed on September 6,

2021 and had been denied on September 9, 2021. No other remedies can work and there is no

Constitutional right to a Governor granting an absolute pardon. So there are no remedies which have

jurisdiction to be decided on merits. Writ of Habeas Corpus failed because of not being in state custody.

Writ of Actual Innocence failed not over the merits but over the statute not including misdemeanor convictions. So there are no legal remedies for Actual Innocence which can be successful or have legal jurisdiction. So it should be timely since the direct appeal was legally considered as made final on September 2, 2021. The panel would not let it go in front of the entire court so regardless, the 2254 Motion should be considered timely filed as the final conviction of the last timely direct appeal having jurisdiction would be September 2, 2021.

There was an earlier direct appeal which was filed. That is why the years are weird. However, the court appointed lawyer John Ira Jones, IV failed to file a Petition for Appeal. He admitted he made a grave error or mistake and filed an Affidavit and request for delayed appeal. It was granted and jurisdiction for direct appeal of the criminal case opened up again to try again for a Petition for Appeal.

The final decision for the direct appeal, the delayed appeal granted by the Court of Appeals of Virginia, that final decision would be on September 2, 2021. I believe it would be a timely filed 2254 Motion.

Appeals are still ongoing but is over decisions which the Circuit Court claimed they have no jurisdiction. If the Appeals Courts uphold the decision of no jurisdiction, then the 2254 Motion is appropriate at this time in order to file timely within the one year statute of limitations.

The delayed appeal was granted by the Court of Appeals of Virginia and extended the Direct Appeal of the final conviction on November 18, 2019. Extended until September 2, 2021. That would make the one year deadline being at September 2, 2022. The Secretary of the Commonwealth denied the pardon petition from Brian David Hill on June 3, 2022. The Court of Appeals claimed Brian's only remedy available to him was only the Governor granting a pardon. No remedies may be available.

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\* The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2244(d) provides in part that:

- (1) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of -
  - (A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;
  - (B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such state action;
  - (C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
  - (D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

- (2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection.

Therefore, petitioner asks that the Court grant the following relief: (1) Vacate the final conviction in the Circuit Court for the City of Martinsville;(2) declare or acknowledge Brian David Hill innocent of his State charge/conviction;notify the U.S. Probation Office of such decision in the state conviction; (3) acquit Brian David Hill of charge or any other relief to which petitioner may be entitled.

\_\_\_\_\_  
Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Petition for Writ of Habeas Corpus was placed in the prison mailing system on 06/21/2022 (month, date, year).

Executed (signed) on 06/21/2022 (date).

JusticeForUSWGO.wordpress.com JusticeforUSWGO.NL

Brian D. Hill  
Signed  
**Brian D. Hill**

\_\_\_\_\_  
Signature of Petitioner

If the person signing is not petitioner, state relationship to petitioner and explain why petitioner is not signing this petition.





### **ADDITIONAL GROUNDS FOR 2254 MOTION**

Brian David Hill (the “Petitioner”), has additional grounds for the 2254 Motion. Brian will not attempt to relitigate the State Case in Federal Court but instead will ask for Federal Court review of the State Court criminal conviction by Habeas Corpus review, asking to vacate a wrongful conviction in the State Court. The intent of Petitioner is Habeas Corpus review of the State Court decision. Enough evidence and arguments are made in the record of the State Court aka the Circuit Court warranting at least some form of relief, to the best of Petitioner’s knowledge.

**GROUND FIVE: THE 2254 MOTION SHOULD BE AVAILABLE TO CRIMINAL DEFENDANTS INCLUDING BRIAN DAVID HILL IN FEDERAL CUSTODY WHO ARE SERVING AN ADDITIONAL 4 YEARS OF PUNISHMENT OR AN ADDITIONAL 4 YEARS OF SUPERVISED RELEASE SENTENCE DIRECTLY CAUSED BY THE STATE CONVICTION IN THE GENERAL DISTRICT COURT WHICH WAS AFFIRMED BY THE CIRCUIT COURT ON NOVEMBER 18, 2019. THOSE WHO SERVE FEDERAL SUPERVISED RELEASE SHOULD HAVE ACCESS TO WRIT OF HABEAS CORPUS TO BE ACQUITTED OF A WRONGFUL STATE CONVICTION WHEN BEING ACQUITTED OR FOUND INNOCENT OF THE STATE CRIMINAL CONVICTION WILL DIRECTLY IMPACT FEDERAL SUPERVISED RELEASE. DEPRIVING A FEDERAL CRIMINAL DEFENDANT THE RIGHT TO WRIT OF HABEAS CORPUS TO OVERTURN A STATE CONVICTION TO PROVE COMPLIANCE WITH FEDERAL SUPERVISED RELEASE CONDITIONS SHOULD NOT BE FORECLOSED OVER SIMPLY NOT BEING IN STATE**

**CUSTODY BUT IS IN FEDERAL CUSTODY AT THE TIME THE 2254  
MOTION WAS FILED. ENTITLED TO RELIEF UNDER THE ALL  
WRITS ACT. 28 U.S.C. § 1651**

The 2254 Motion should be available to criminal defendants in federal custody who are serving an additional punishment or sentence directly caused by the state conviction (being challenged by this 2254 Motion) in the General District Court which was affirmed by the circuit court on November 18, 2019. Those who serve federal supervised release should have access to writ of habeas corpus to be acquitted of a wrongful state conviction when being acquitted or found innocent of the state criminal conviction will directly impact federal supervised release. It will prove that a criminal defendant did not violate the conditions of his supervised release prohibiting violating a federal, state, or local criminal law. This 2254 Motion is necessary to proving that state law was not violated and no state conviction is warranted in order to be acquitted in State Court to prove no supervised release violation in Federal Court. Depriving a federal criminal defendant of the right to writ of habeas corpus to overturn a state conviction to prove compliance with federal supervised release conditions after being wrongfully charged with such violation should not be foreclosed over simply not being in state custody. Brian David Hill was found to be in violation of supervised release because of the state criminal charge and criminal conviction. If the State Court were supposed to find the evidence and facts to be favorable to acquittal of the

criminal defendant, then those same evidence and facts have to be used in the Federal Supervised Release Violation case too. Unless Brian Hill is acquitted and found innocent of his state conviction, he will be unable to prove that he did not violate his federal supervised release conditions at the time and date of September 21, 2018. Acquittal is necessary to convince the Federal Court in the Middle District of North Carolina that Brian David Hill did not engage in the commission of a crime on September 21, 2018. Petitioner is entitled to relief under the All Writs Act pursuant to 28 U.S.C. § 1651.

To foreclose on his right to have a Federal Court review over a state criminal court decision over simply not being “in state custody” deprives Brian David Hill of his right to demonstrate that he had already proven his actual innocence but that right was wrongfully taken away on some legal technicality, is a fundamental miscarriage of justice, and deprives the Petitioner of due process of law under the Fourteenth Amendment (Amendment XIV) and Fifth Amendment (Amendment V) of the U.S. Constitution.

This ground cannot be brought up on appeal in state court since GROUND FIVE directly involves this federal 2254 motion matter. This GROUND FIVE is directly a federal matter regarding a Petitioner’s push for a Federal Court to allow a 2254 Motion to challenge a state conviction to be used to overturn the supervised release violation on the basis of not being guilty, not being convicted.

Under the due process clause of the U.S. Constitution, an American citizen cannot be deprived of life, liberty, or property without due process of law. See Amendment XIV of the United States Constitution. Due process of law under both Amendment XIV and the Amendment V. The Fifth Amendment of the Constitution applies to federal jurisdiction. The Fourteenth Amendment of the Constitution applies to state jurisdiction. Due process clause and the miscarriage of justice exception and actual innocence exception requires that a Federal Court accept and consider a 2254 Motion to challenge a state conviction/judgment in a criminal case when that conviction/judgment against an innocent man had caused the Petitioner to serve an additional sentence of federal supervised release. The Petitioner has the constitutional right to challenge his wrongful sentence of additional supervised release by challenging his original state conviction/judgment.

See *McQuiggin v. Perkins*, 569 U.S. 383, (2013) (“1. Actual innocence, if proved, serves as a gateway through which a petitioner may pass whether the impediment is a procedural bar, as it was in *Schlup v. Delo*, 513 U.S. 298, 115 S. Ct. 851, 130 L. Ed. 2d 808, and *House v. Bell*, 547 U.S. 518, 126 S. Ct. 2064, 165 L. Ed. 2d 1, or expiration of the AEDPA statute of limitations, as in this case. Pp. 391-398, 185 L. Ed. 2d, at 1030-1034.”)

In this case the criminal defendant is filing this 2254 motion to challenge the state court decision while this Petitioner Brian David Hill is involved in a pending

28 U.S.C. § 2255 Motion litigation. See Document #291, Jan 27, 2022, case number 1:13-cr-435-1, MOTION to Vacate, Set Aside or Correct Sentence (pursuant to 28 U.S.C. 2255) by BRIAN DAVID HILL. Also affects Western District of Virginia, criminal case number 4:20-cr-00027, United States v. Brian David Hill. The decision in the state court directly affects the 2255 pending Motion case in the Middle District of North Carolina. If the state court conviction is vacated and acquittal is ordered, it will directly impact the 2255 Motion in the Middle District of North Carolina, and will ultimately affect the supervised release term in the Western District of Virginia in case no. 4:20-cr-00027.

I am still serving the extended supervised release term of four additional years due to the State conviction which I am challenging. Normally my sentence of ten years of supervised release would end on November 12, 2024, if I am correct. The term was extended to December 5, 2028. See Document #260, Docket Number: 1:13-cr-00435, Date Filed: October 27th, 2020, Middle District of North Carolina.

This 2254 Motion is necessary to push for legal acquittal in the State Court and this will be directly used in the pending case of Petitioner's 2255 Motion to vacate the Supervised Release Violation which will push my supervised release sentence back to ending on the date of November 12, 2024. Because of the 4 years of additional Supervised Release from the original sentence dates calculation, I am

still serving the sentence directly caused by my State conviction in General District Court and affirmed in the Circuit Court for the City of Martinsville being directly challenged in the 2254 Motion. The U.S. Constitution entitles me to relief by usage of 2254 Motion or relief under the All Writs Act pursuant to 28 U.S.C. § 1651. I have received the letter from the Secretary of the Commonwealth denying my request for an Absolute Pardon from the Governor. Dated June 15, 2022. The Court of Appeals of Virginia explained in their ORDER dated on “Thursday the 2nd day of September, 2021, case no. 1295-20-3 that my only available remedy to my criminal conviction on indecent exposure is by act of pardon from the Governor of Virginia. My pardon request was denied on June 15, 2022. I have no available remedy other than a Federal Court using a Writ Petition or Writ Motion for Habeas Corpus. A 2254 Motion is my only remedy left. The Court of Appeals of Virginia said that only the Governor can find me innocent, and they refused to find me innocent. Yeah, I appealed that decision from the Court of Appeals of Virginia and few other decisions right now, but I have no guarantee my appeals will mean anything as they can be denied. I have only a one year statute of limitations under the AEDPA to file my 2254 Motion requesting relief. I needed to file this before the one year statute of limitations expires. So I must file this now as I am entitled to relief.

**GROUND SIX: THE DECISION FROM THE CIRCUIT COURT TO REQUIRE CRIMINAL DEFENDANT BRIAN DAVID HILL TO PAY LEGAL COSTS AND LEGAL FEES BUT NO RESTITUTION WAS ORDERED. THAT DECISION VIOLATES 42 U.S. CODE § 407 - ASSIGNMENT OF BENEFITS. TO REQUIRE A CRIMINAL DEFENDANT TO PAY OUT OF HIS SUPPLEMENTAL SECURITY INCOME (SSI) DISABILITY MONEY WHICH IS A NEEDS BASED INCOME VIOLATES FEDERAL LAW. THE STATE COURT SHOULD NOT MANDATE PAYMENT OUT OF FEDERALLY PROTECTED MONEY FROM A DEFENDANT WHO IS JUDGMENT PROOF IN THIS CASE.**

The decision from the Circuit Court to require criminal defendant Brian David Hill to pay legal costs and legal fees but no restitution was ordered. That decision violates 42 U.S. Code § 407 - Assignment of Benefits. To require a permanently disabled criminal defendant to pay out of his Supplemental Security Income (SSI) disability money from the Social Security Administration which is a needs based income violates federal law. The state court should not mandate payment out of federally protected money from a defendant who is judgment proof in this case. He is judgment proof except in cases of restitution but even that has it's limits to consider that they cannot deprive a criminal defendant of the ability to survive such as purchasing food, clothing, essentials, hygiene products for sanitation during the Covid-19 pandemic, and other needs. That would be basically sentencing a criminal defendant to DEATH by taking away needs based money, which is cruel and unusual punishment inflicted. Violating the Eighth Amendment of the U.S. Constitution. Amendment VIII.

This issue regarding the Circuit Court not being allowed to take SSI disability money was raised in the Court of Appeals of Virginia, and raised in post-conviction motions. All were denied. Appeals on this had failed. However this issue was raised.

**GROUND SEVEN: IT IS CRUEL AND UNUSUAL PUNISHMENT  
INFLECTED TO CONVICT AN INNOCENT MAN OF A CRIME. WHEN  
THE CIRCUIT COURT REFUSED TO ACCEPT ANY MOTION OR  
PETITION ASKING FOR RELIEF FROM THE WRONGFUL  
CONVICTION, THEY ARE CONVICTING AN INNOCENT PERSON AND  
SUBJECTING THAT PERSON TO AN INCREASE IN PUNISHMENT IN  
FEDERAL COURT WITH AN ADDITIONAL FOUR (4) YEAR TERM OF  
SUPERVISED RELEASE BY THE U.S. PROBATION OFFICE AGAINST  
AN INNOCENT MAN. MAKING AN INNOCENT MAN PAY LEGAL  
COSTS AND FEES THROUGH ONLY HIS FEDERALLY PROTECTED  
SSI DISABILITY MONEY IS CRUEL AND UNUSUAL PUNISHMENT  
INFLECTED.**

It is cruel and unusual punishment inflicted to convict an innocent man of a crime. When the Circuit Court refused to accept any motion or petition asking for relief from the wrongful conviction, they are convicting an innocent person and subjecting that person to an increase in punishment in Federal Court with an additional four (4) year term of Supervised Release by the U.S. Probation Office against an innocent man. Making an innocent man pay legal costs and fees through only his federally protected SSI disability money is cruel and unusual punishment inflicted.



This issue regarding cruel and unusual punishment, regarding not convicting an innocent man was raised in the Court of Appeals of Virginia and/or in the Supreme Court of Virginia, and raised in post-conviction motions. All were denied. Appeals on this had failed. However this issue was raised.

**GROUND EIGHT: THE CIRCUIT COURT HAS VIOLATED THE EQUAL PROTECTION OF THE LAW CLAUSE OF THE FOURTEENTH AMENDMENT OF THE UNITED STATES CONSTITUTION, VIOLATES DUE PROCESS OF LAW BY UNEQUAL APPLICATION OF THE LAW AND COURT RULES.**

The Circuit Court has violated the equal protection of the law clause of the Fourteenth Amendment of the United States Constitution (Amendment XIV). All throughout the criminal case of City of Martinsville and Commonwealth of Virginia v. Brian David Hill. All by the Circuit Court. It violates due process of law by unequal and selective enforcement of application of the law and court rules. It creates an unequal, unfair, game of a rigged judicial system. A Court is not supposed to be a rigged game, a rigged casino, a rigged system of any kind. A Court is supposed to be fair, equal, just, follows the laws, and is impartial. The law applies to everybody, the rules apply to everybody, even to the corrupt law breaking Commonwealth Attorney Glen Andrew Hall.

**CITATION OF AMENDMENT XIV Section 1:**

“All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they

reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; **nor deny to any person within its jurisdiction the equal protection of the laws.**”

The Circuit Court had refused to ever hold a contempt hearing, never pushed for any contempt proceeding against corrupt Commonwealth Attorney named Glen Andrew Hall, Esq. who had prosecuted the entire criminal case against Petitioner Brian David Hill. Glen Andrew Hall, Esq. had violated three Court Orders. Order for Discovery from General District Court issued and dated on November 28, 2018. He had violated two more Court Orders, Orders for Discovery signed by the Hon. Giles Carter Greer of the Circuit Court on the dates of orders issued on February 6, 2019; and July 15, 2019. All three of those Court Orders were violated.

However, the prosecutor Glen Andrew Hall, Esq. had pushed for a capias against Petitioner Brian David Hill on or about January 28, 2019 meaning a felony failure to appear criminal charge against Brian David Hill for being imprisoned at the time at the Federal Correctional Institution (FCI) 1 in Butner, North Carolina during a mental evaluation by Federal Court Order from the Western District of Virginia at the time. The evidence of this can be reflected from the record of the state court or at least the communication record from Judge Greer. At least from the communication between Judge Greer and the Clerks and the Commonwealth Attorney at the time. Petitioner is aware of this due to receiving the case files from

Attorney Matthew Scott Thomas Clark, and found the document regarding the capias push by Glen Andrew Hall. The capias was due to being unable to appear for a criminal case hearing dated January 28, 2019. However, he knew Brian Hill was detained by the Feds since December, 2018. So he pushed for a process similar to a contempt charge or proceeding against Petitioner Brian David Hill but that same Circuit Court did not ever push for a contempt proceeding or capias against Glen Andrew Hall for violating three Court Orders for discovery.

Brian filed pro se motions and had asked in writing for Glen Andrew Hall to face contempt charges for destruction of evidence and failure to follow those three Court Orders. The Circuit Court allowed Glen Andrew Hall to get away with his violations of Court Orders. The Circuit Court allowed Glen Andrew Hall to get away with violating Brian David Hill's constitutional rights under *Brady v. Maryland*, 373 U.S. 83 (1963).

This was not brought up on Direct Appeal of the conviction because the court appointed lawyer never pushed for any contempt proceeding. This was brought up in post-conviction motions asking for New Trial or Judgment of Acquittal.

Pro se motions were ignored by the Circuit Court but any motion by either side through a lawyer was acted upon with haste or was simply acted upon. The only pro se motion the Court did not ignore was Petitioner's "MOTION TO

WITHDRAW APPEAL” which was filed on 11/12/2019. Every other motion including a Motion for Case Dismissal due to lack of evidence and Motion for substitute counsel or new counsel was ignored intentionally by Hon. Giles Carter Greer. That violates due process of law and violates equal protection of the laws when the law is selectively enforced, when court rules are selectively enforced.

**GROUND NINE: THE CIRCUIT COURT HAS VIOLATED THE EQUAL PROTECTION OF THE LAW CLAUSE OF THE FOURTEENTH AMENDMENT OF THE UNITED STATES CONSTITUTION, VIOLATES DUE PROCESS OF LAW CLAUSE OF THE FOURTEENTH AMENDMENT OF THE UNITED STATES CONSTITUTION BY UNEQUAL APPLICATION OF THE LAW AND COURT RULES. THE JUDGE IGNORED THE EVIDENCE, IGNORED THE WITNESSES, AND IGNORED MOTIONS SELECTIVELY. THE LAW AND COURT RULES WAS NOT EQUALLY APPLIED TO BOTH PARTIES IN THE CRIMINAL CASE.**

The Circuit Court had violated the Due Process of Law clause in both the Amendment V and Amendment XIV of the U.S. Constitution by ignoring evidence filed by the criminal defendant/Petitioner, ignoring the facts presented by the criminal defendant/Petitioner, ignoring the law when favorable to the criminal defendant/Petitioner, and ignoring anything and everything favorable to the criminal defendant/Petitioner. It is clear that this Federal Court in a Habeas action can review over the state court record and be able to determine by de novo review of the record that evidence was ignored by the entire State Court process. The laws

and rules were selectively enforced, selectively applied, and selectively interpreted. The laws and rules were not equally applied here in the entire state case.

See *Williamson v. Reynolds*, 904 F. Supp. 1529, 1542 (E.D. Okla. 1995) (“Rather the inquiry on habeas is whether [defense counsel] . . . denied the defendant his right to due process by ignoring evidence, including evidence at trial, indicating that the defendant might not be competent”).

See *In re Marriage of Soden*, 251 Kan. 225, 237 (Kan. 1992) (“Dillner contends the trial court abused its discretion by ignoring evidence of the circumstances of the divorce”).

See *James v. Bradley*, 19-870-pr, 2 (2d Cir. Mar. 31, 2020) (“James brought this action alleging that Bradley violated his right to procedural due process by ignoring evidence at the hearing that purportedly showed that the tested urine was taken from someone other than James.”).

See *Raghav v. Wolf*, 522 F. Supp. 3d 534, 538 (D. Ariz. 2021) (“Immigration Court violated his due process rights by ignoring evidence of his conditions in India and erroneously applying the law.”).

See *Brooks v. State*, 209 Miss. 150, 151 (Miss. 1950) (“2. Constitutional law — due process — ignoring fundamental rights. The prohibition in the Constitution that no person shall be deprived of his liberty except by due process of law was intended to guarantee the protection of fundamental and constitutional rights so that

a fair trial may result, and where fundamental and constitutional rights are ignored due process does not exist and a fair trial can not be had.”).

See Legal Research: What is it called when a judge ignores evidence? The definition of judicial misconduct is a serious deviation from the accepted practices of a judge in the judicial profession. A judge cannot expect to remain on the bench for long if ignoring evidence or flat out refusing to look at it becomes an even occasional behavior. A kangaroo court is a court that ignores recognized standards of law or justice, carries little or no official standing in the territory within which it resides, and is typically convened ad hoc. A kangaroo court may ignore due process and come to a predetermined conclusion. Ostensibly, the term comes from the notion of justice proceeding "by leaps", like a kangaroo – in other words, "jumping over" (intentionally ignoring) evidence that would be in favor of the defendant.

See *Lafferty v. Cook*, 949 F.2d 1546, 1555 n.10 (10th Cir. 1992) (“the inquiry on habeas is whether the state court denied the defendant his right to due process by ignoring evidence, including evidence at trial”).

See *Hunter v. United States*, 548 A.2d 806, (D.C. 1988) (“Because the trial court improperly ignored evidence bearing on appellant's competence to enter a guilty plea, we reverse and remand to the trial court for further proceedings.”)

See the Circuit Court ignored evidence of credibility of witnesses including chimney expert Pete Compton, Roberta Hill, Stella Forinash, and Kenneth

Forinash, and medical staff in the medical records submitted to the Court. Ignoring the good causes and adequate reasons for the need for relief requested in the denied Motions.

The Circuit Court ignored everything except anything favorable to the prosecutor and any motions or requests by the Public Defender including the motions for discovery which were not enforced by the same Public Defender. They ignored the evidence of or did not inquire into the destruction of police body-camera footage. They ignored the evidence of or did not inquire into the destruction of biological evidence such as blood samples obtained from Brian David Hill on September 21, 2018, before he was transferred to jail. They ignored the evidence of or did not inquire into the witness Pete Compton. They ignored the evidence of or did not inquire into the witness in “The chimney Sweep” business which caused the carbon monoxide gas poisoning. The Circuit Court ignored all evidence and was only interested in finding Brian David Hill guilty of indecent exposure. Always ruled in favor of Glen Andrew Hall, the corrupt Commonwealth Attorney. Always denied every pro se motion requesting relief, except maybe changing the court appointed lawyer, and granting the Public Defender’s request for an order for discovery. However, the Circuit Court doesn’t even enforce non-compliance with the discovery orders entered by Judge Greer despite the non-compliance by the corrupt Commonwealth Attorney Glen Andrew Hall.

The state court record will show evidence that the Circuit Court intentionally ignored evidence, intentionally ignored pro se motions while counsel was appointed. Then the Circuit Court intentionally ignored all new evidence, intentionally ignored evidence concerning the Actual Innocence of Brian David Hill. Brian David Hill has proven that he was not medically and psychologically cleared as charged on September 21, 2018. When he submits medical records from the exact same Hospital from 2017 and 2018, all on the record. There is a difference between both records. The medical record from 2017, shown that lab tests were conducted. The medical record from September 21, 2018, shown lab tests ordered but then to be deleted from the chart, so they were canceled without explanation as to why. Brian David Hill had proven to the Circuit Court that he was not medically cleared. One element of his criminal charge. The Circuit Court on record is acting as Kangaroo Court. They jump on one pro se motion to withdraw appeal but ignore all other pro se motions which makes no sense. All pro se motions should be ignored if their reasoning is that Brian Hill is represented by counsel, even though counsel was ineffective. Otherwise the Court should have acted on all pro se motions, not just only one. Instead they selectively enforce the ignoring of pro se motions to not ignore only one motion to withdraw the appeal and be convicted after affirmation of the General District Court's finding of guilty. Ignoring all other motions, causing the Petitioner to have no choice but to give up



on his criminal case since his lawyer clearly did nothing on the record to defend his own client.

**GROUND TEN: THE CIRCUIT COURT HAS VIOLATED THE CIVIL RIGHTS OF BRIAN DAVID HILL UNDER THE COLOR OF LAW. In violation of 18 U.S. Code § 242 - Deprivation of rights under color of law**

The circuit court has violated the civil rights of Brian David Hill under the color of law. In violation of 18 U.S. Code § 242 - Deprivation of rights under color of law.

The judge Giles Carter Greer, the Public Defender Scott Albrecht and Lauren McGarry, the other court appointed lawyers such as Matthew Scott Thomas Clark and John Ira Jones, IV, and the corrupt Commonwealth Attorney Glen Andrew Hall had deprived Brian David Hill, the criminal defendant, of his constitutional rights, federally protected rights including his SSI disability money to be safe from garnishment and other legal process, and any or all privileges under the color of law. Brian was discriminated against because of his disability but “it is not necessary that the crime be motivated by animus toward the race, color, religion, sex, handicap, familial status or national origin of the victim”, according to the U.S. Department of Justice. See <https://www.justice.gov/crt/deprivation-rights-under-color-law> - Link and citation provided by family.

“Section 242 of Title 18 makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the

Constitution or laws of the United States. For the purpose of Section 242, acts under "color of law" include acts not only done by federal, state, or local officials within their lawful authority, but also acts done beyond the bounds of that official's lawful authority, if the acts are done while the official is purporting to or pretending to act in the performance of his/her official duties. Persons acting under color of law within the meaning of this statute include police officers, prisons guards and other law enforcement officials, as well as judges, care providers in public health facilities, and others who are acting as public officials. It is not necessary that the crime be motivated by animus toward the race, color, religion, sex, handicap, familial status or national origin of the victim.”

**List of criminal/civil cases and appeal cases material and relevant to this  
2254 Motion**

Circuit Court for the City of Martinsville

Case no. CL19000331-00; Writ Of Habeas Corpus

Case no. CL20000089-00; Petition for Writ of Error Coram Nobis

CAV Record #	Party	Name	Opponent	CAV Case Type	Lower Tribunal	Tribunal Case #
<a href="#"><u>0290-22-3</u></a>	Appellant	<a href="#"><u>HILL, BRIAN DAVID</u></a>	<a href="#"><u>COMMONWEALTH OF VIRGINIA</u></a>	Criminal by Right	Martinsville City	CR1900009-00 (02/10/2022 ORDER)
<a href="#"><u>0289-22-3</u></a>	Appellant	<a href="#"><u>HILL, BRIAN DAVID</u></a>	<a href="#"><u>COMMONWEALTH OF VIRGINIA</u></a>	Criminal by Right	Martinsville City	CR1900009-00 (02/22/2022 ORDER)
<a href="#"><u>0173-22-3</u></a>	Petitioner	<a href="#"><u>HILL, BRIAN DAVID</u></a>	<a href="#"><u>COMMONWEALTH OF VIRGINIA</u></a>	Actual Innocence		
<a href="#"><u>0242-21-3</u></a>	Appellant	<a href="#"><u>HILL, BRIAN DAVID</u></a>	<a href="#"><u>COMMONWEALTH OF VIRGINIA</u></a>	No Jurisdiction	Martinsville City	CL20000089-00
<a href="#"><u>0219-21-3</u></a>	Appellant	<a href="#"><u>HILL, BRIAN DAVID</u></a>	<a href="#"><u>COMMONWEALTH OF VIRGINIA</u></a>	No Jurisdiction	Martinsville City	CL19000331-00 (04/10/2020 ORDER)
<a href="#"><u>1295-20-3</u></a>	Appellant	<a href="#"><u>HILL, BRIAN DAVID</u></a>	<a href="#"><u>COMMONWEALTH OF VIRGINIA</u></a>	Criminal Appeal	Martinsville City	CR1900009-00 (11/18/2019 ORDER)
<a href="#"><u>1294-20-3</u></a>	Appellant	<a href="#"><u>HILL, BRIAN DAVID</u></a>	<a href="#"><u>COMMONWEALTH OF VIRGINIA</u></a>	Criminal Appeal	Martinsville City	CR1900009-00 (11/25/2019 ORDER)
<a href="#"><u>0657-20-3</u></a>	Appellant	<a href="#"><u>HILL, BRIAN DAVID</u></a>	<a href="#"><u>COMMONWEALTH OF VIRGINIA</u></a>	Criminal Appeal	Martinsville City	CR1900009-00 (APRIL 10, 2020 ORDER)
<a href="#"><u>0578-20-3</u></a>	Appellant	<a href="#"><u>HILL, BRIAN DAVID</u></a>	<a href="#"><u>COMMONWEALTH OF VIRGINIA</u></a>	Criminal Appeal	Martinsville City	CR1900009-00 (04/02 ORDER)
<a href="#"><u>0129-20-3</u></a>	Appellant	<a href="#"><u>HILL, BRIAN DAVID</u></a>	<a href="#"><u>COMMONWEALTH OF VIRGINIA</u></a>	Criminal Appeal	Martinsville City	CR1900009-00 (11/25 ORDER)
<a href="#"><u>0128-20-3</u></a>	Appellant	<a href="#"><u>HILL, BRIAN DAVID</u></a>	<a href="#"><u>COMMONWEALTH OF VIRGINIA</u></a>	Criminal Appeal	Martinsville City	CR1900009-00 (11/15/19 ORDER)
<a href="#"><u>0079-20-3</u></a>	Appellant	<a href="#"><u>HILL, BRIAN DAVID</u></a>	<a href="#"><u>COMMONWEALTH OF VIRGINIA</u></a>	No Jurisdiction	Martinsville City	CL19000331-00

Respectfully filed with the Court, this the 21st day of June, 2022.

Respectfully submitted,



Brian D. Hill

Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

Phone #: (276) 790-3505



Former U.S.W.G.O. Alternative News reporter  
I stand with Q Intelligence and Lin Wood – Drain the Swamp  
I ask Q Intelligence and Lin Wood for Assistance (S.O.S.)

Make America Great Again

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[USWGO.COM](http://USWGO.COM)

[JUSTICEFORUSWGO.NL](http://JUSTICEFORUSWGO.NL)

Petitioner also requests with the Court that a copy of this pleading be served upon the Respondent(s) as stated in 28 U.S.C. § 1915(d), that “The officers of the court shall issue and serve all process, and perform all duties in such cases. Witnesses shall attend as in other cases, and the same remedies shall be available as are provided for by law in other cases”. Petitioner requests that copies be served with the Respondent(s) via CM/ECF Notice of Electronic Filing ("NEF") email, by facsimile if the Government consents, or by U.S. Mail. Thank You!

Friend's justice site: [JusticeForUSWGO.wordpress.com](http://JusticeForUSWGO.wordpress.com)  
[JusticeForUSWGO.NL](http://JusticeForUSWGO.NL)



LETTER TO THE HON. GILES CARTER GREER (JUDGE), HON.  
ASHBY R. PRITCHETT (CLERK), ATTORNEY MATTHEW SCOTT  
THOMAS CLERK (INEFFECTIVE LAWYER), AND GLEN ANDREW  
HALL (COMMONWEALTH ATTORNEY)

RE: City of Martinsville, Commonwealth of Virginia v. Brian David Hill;  
case no. CR19000009-00

SATURDAY, JUNE 18, 2022

<b><u>ATTN: Hon. Ashby R. Pritchett</u></b> Martinsville Circuit Court 55 West Church Street Martinsville, Virginia 24112 <a href="mailto:apritchett@vacourts.gov">apritchett@vacourts.gov</a>	<b><u>ATTN: Hon. Giles Carter Greer</u></b> Martinsville Circuit Court 55 West Church Street Martinsville, Virginia 24112 <a href="mailto:cgreer@ci.martinsville.va.us">cgreer@ci.martinsville.va.us</a>
<b><u>ATTN: Glen Andrew Hall, Esq.</u></b> Commonwealth's Attorney for the City of Martinsville 55 West Church Street Martinsville, Virginia 24112 <a href="mailto:ahall@ci.martinsville.va.us">ahall@ci.martinsville.va.us</a>	<b><u>ATTN: Matthew S.T. Clark</u></b> Ineffective Attorney 711 B Starling Avenue Martinsville, Virginia 24112 <a href="mailto:matthewstclarklaw@gmail.com">matthewstclarklaw@gmail.com</a>

To Whom it may Concern,

I, Brian David Hill, the criminal defendant in this case will prove as much fraud on the court as possible because the corrupt Commonwealth Attorney Glen Andrew Hall will never admit to defrauding the Court, even when it is clear that it is.

The Secretary of the Commonwealth on June 15, 2022 had denied my request for an Absolute Pardon without it going to the Governor. That was a mistake. Now I have no choice but to prove that the entire criminal case is a fraud on the record, a fraud, not of justice. Then I will be asking a Federal Judge to strike down Giles Carter Greer's final judgment of criminal conviction on November 18, 2019. Either by a 2254 Motion or by a Bivens claim. I will file whatever I have to in order to have a Federal Judge strike down my wrongful conviction because the Governor's office is clueless about how erroneous my criminal conviction really is. It is an error, new evidence is coming.

New evidence by possibly somebody from the government as woitness.

Anyways, time to question Matthew Scott Thomas Clark on the record in this case, because I plan on filing a third motion for new trial or judgment of acquittal after I secure a witness or evidence possibly from the government or position of government proving that I, Brian David Hill, was NOT MEDICALLY CLEARED on September 21, 2018, I was not medically cleared because the Sovah Health Martinsville hospital (formally Martinsville Memorial Hospital) had ordered laboratory testing and blood alcohol testing but those tests were canceled, confirmed that they were ordered but never completed. They were to be deleted from the chart but the record still existed.

I have no choice but to use the truth even when it makes Matthew Clark, my court appointed lawyer look bad, I DON'T CARE. He will look bad, because he's ineffective.

Remember Matthew Clark when we met in consultation in 2019, and he told me and my family that the Martinsville Police didn't have to do the laboratory tests or drug tests, any of that. We talked about them not conducting the lab tests and Matthew Clark told me and my family during consultation "they don't have to". Well then, he didn't read the original CRIMINAL COMPLAINT then. Matthew Clark didn't read my original criminal complaint in General District Court or he wasn't competent to understand what it meant. Maybe he read it but didn't understand all of the elements of the charge.

In the criminal justice system backed by centuries of judicial case law, in all jury trials and even bench trials, every element of the criminal charge must be proven beyond a reasonable doubt to convict a criminal defendant. Read the highlighted part very closely Matthew Clark, you ineffective lawyer. READ IT CLOSELY.

Matthew Clark told me and my family that they didn't have to do lab test results. However, EVERY ELEMENT OF THE CRIME MUST BE PROVEN beyond a reasonable doubt. One of those elements in the criminal complaint said: "He was medically and psychologically cleared."

Read that on Page 3 of the criminal complaint in the case Mr. Clark:

"He was medically and psychologically cleared. " - One Element of the charge

That was where you went wrong Mr. Clark. You were wrong, because they have to conduct laboratory testing of blood samples to prove Brian was medically cleared.

In case as a lawyer you try to argue that they still don't have to conduct lab testing to prove being medically cleared, let's see what Martinsville Police investigator Robert Jones told the Federal Judge under oath at the Supervised Release Violation hearing on September 12, 2019. Let me cite from the transcript what Robert Jones had to say about laboratory testing.

PAGE 35, FEDERAL HEARING TRANSCRIPT, CROSS EXAMINATION OF POLICE OFFICER ROBERT JONES, CASE NO. 1:13-CR-435-1. Letters Q and A of citation modified to add period after those letters. Hearing dated September 12, 2019, transcribed by Briana L. Bell, RPR, Official Court Reporter. Questions asked under oath, under penalty of perjury. Questions asked by attorney Renorda Pryor.

Q. Was there any tests dealing with his blood alcohol content or anything of that nature?

A. I don't know if they did. Like I said, I did not get his records. They normally do, but I do not have that.

Did you just see what the officer said Matthew Clark, they normally do laboratory testing and blood alcohol testing. But for some reason they did not conduct any laboratory testing when Officer Robert Jones said “they normally do...”.

That means one thing, Brian Hill was not medically cleared on September 21, 2018. They did not prove that Brian Hill was not drugged up, they did not prove that Brian was not under any substance, drug, narcotic, or gas. Brian could have been given meth by the “guy in the hoodie” or somebody could have drugged Brian on crack cocaine. Those questions can never be answered because those lab tests were canceled.

I think I understand why and I am willing to piss off the Police Chief to bring this up. I think the Martinsville Police Chief G. E. Cassady protects some drug houses, not all of them, but certain drug houses are being protected by this corrupt police chief. We are aware that this police chief does not want to go after certain drug houses including one on Greyson street. Because this corrupt police chief probably protects certain drug houses, he was afraid that me talking about a man in a hoodie making me get naked had something to do with one of the protected drug houses. I bet I'm right on this, ha.

That would explain why the police recorded body-camera footage was covered up, the body-camera footage recorded at the time Brian was arrested on September 21,

2018, in violation of two Court Orders from Hon. Giles Carter Greer in ORDER for discovery materials. Glen Andrew Hall violated two court orders from Judge Greer.

Yet Matthew Clerk never pursued contempt proceedings against Glen Andrew Hall and Robert Jones for violating two court orders for discovery. That was another ineffective counsel act that Matthew Clark had done, he failed and refused as my lawyer to pursue the body-camera footage to the extent where there should have been contempt proceedings. He had the grounds to push for contempt proceedings, non-compliance.

Another thing Matthew Clark told me and my family during consultation in 2019 prior to me withdrawing my appeal in the Circuit Court was that the body-camera footage had been destroyed, he told me and my family this. Told us about a body-camera evidence retention period. That shouldn't matter during a pending criminal litigation or criminal investigation. Matthew Clark should have or Scott Albrecht the former Public Defender assistant should have filed a litigation hold letter requesting retention of the blood vials drawn from Brian Hill's arm and a litigation hold letter to retain the police body-camera footage. There was no litigation hold letter at all, evidence spoliated.

Of course Matthew Clark told me and my family that: it could hurt you.

Well if that footage as evidence could have hurt me and my case, then it never would have been destroyed, they would have proudly used the body-camera footage in General District Court, against me to further prove guilt. The only reason to suppress evidence, hide evidence, and destroy evidence is to cover up the truth. Covering up the evidence.

Again, corrupt Police Chief G. E. Cassady protects certain drug houses, I am aware of this because of certain corrupt activities which went on last year (neighbors) beside my grandma's house on Greyson Street. This police chief protects certain drug houses. That is why I believe the cover ups took place. They probably reviewed over the body-camera footage and saw signs that I didn't look right, that I didn't look good when I was talking to Officer Robert Jones. They probably assumed I was drugged or didn't look like somebody who wasn't but the corrupt Police Chief didn't want the protected drug houses to be investigated, so they resorted to just charging me with indecent exposure and covering up any blood samples, covering up the body-camera footage.

Since the Governor's office won't fix this, it is time for me to address the frauds, each fraud in this Circuit Court, then I will get a Federal Judge to strike down Giles Carter Greer's conviction on November 18, 2019. It should be vacated, reversed.



I was not medically cleared. I plan on gathering evidence, by private or public investigations. I will do so by whatever means necessary I have at my disposal. As cheaply as possible. I'm on a fixed income but I am persistent. I will keep fighting.

Matthew Clark, I am sorry but you are ineffective counsel, you were ineffective counsel, I am proving your ineffective counsel in 2019. I proved it.

See Strickland v. Washington, 466 U.S. 668 (1984), The appropriate standard for ineffective assistance of counsel requires both that the defense attorney was objectively deficient and that there was a reasonable probability that a competent attorney would have led to a different outcome.

I am gathering evidence right now, making moves to get investigations started. Once I have the new evidence which will be somebody in a position of power. I will not say who right now because Glen Andrew Hall will manipulate those investigations to stop, I don't trust this lying lawyer. I don't trust the lying lawyer Matthew Clark either.

Once the investigations are done, I will file those investigations results with this Court, I will use those investigations to compel this Court to vacate my criminal conviction on November 18, 2019.

All I have to prove is that I was not medically and psychologically cleared at the time of arrest. That is an element. You cannot hold somebody criminally culpable who has Autism when they have not been both medically and psychologically cleared proving they were medically able to understand his/her actions, at least in this criminal case.

When Matthew Clark said they didn't have to check lab results, maybe by law they don't have to, but they have to check the lab results when they say under oath, under penalty of perjury in their CRIMINAL COMPLAINT that I was medically and psychologically cleared. I was not. That also disproves INTENT as well, because how can you even prove intent when the person was not truly medically and psychologically cleared? It was important for the police officer to say medically and psychologically cleared. If it wasn't an important element, it wouldn't be there.

Also to Matthew Clark, you screwed up on something else. You didn't ask the worker or contractor from "The Chimney Sweep" business at 1590 Blue Bend Road,

Rocky Mount, Virginia 24151, to be a witness. Regarding October 5, 2017.

I like to report to this Court and also I may end up filing a report with the Virginia State Police if there is any criminal charge I can still push for not under statute of limitations. A criminal charge I want against The Chimney Sweep.

The Chimney Sweep is responsible on October 5, 2017, they were paid \$300 by check, Roberta Hill, using her SunTrust Bank Account, and they installed metal tin on top of the chimney flues. Chimney flues covering up the ventilation shaft to both Apartment 1 and Apartment 2 of 310 Forest Street, Martinsville, VA 24112.

I filed a complaint against The Chimney Sweep with the Attorney General, last month. They are refusing to respond to my complaint, that is because they know they ARE THE CAUSE OF BRIAN HILL'S BEHAVIOR ON SEPTEMBER 21, 2018. They are the cause of what led to Brian Hill being arrested. Glen Andrew Hall can ask for this complaint, a copy of it to be filed on the record. I'd be happy to file a copy of the complaint against The Chimney Sweep with this Court in this case to prove it.

I was under prolonged carbon monoxide exposure from October 5, 2017, to late September 20, 2018. Any medical expert, despite not having the levels of Carbon Monoxide poisoning, prolonged exposure to Carbon Monoxide poisoning gas can lead to psychosis, hallucinations (Where is the "black man in a hoodie"? If Brian was hallucinating?), mental confusion, can worsen Autism with the wandering out late at night away from home because usually only kids with Autism wander away from home but the Carbon Monoxide created a situation where I exhibited behavior usually kids with Autism can have in 2018. CO gas poisoning leads to this.

I have the Hospital lab tests done in 2017, Sinus Tachycardia, abnormal hemoglobin or Blood Cell counts. Abnormal lab test results, injury in my head with blood pouring out on November, 2017. Lab tests conducted.

Lab tests were not conducted on September 21, 2018. I was not medically cleared, when lab tests are already ORDERED but then to be deleted from the chart, they were canceled by the Hospital without a valid explanation on the medical record as to why.

Could it be the corrupt drug houses protecting Police Chief G. E. Cassady caused this???????????????????????????????????? The corrupt Police Chief caused evidence destruction????

Even in my letter to the Federal Court about my indecent exposure, I cussed out officer Robert Jones with the f-word saying they aren't doing anything about the drug houses. So they had a good reason to cover up the blood vials and cover up the laboratory results. They had to protect the drug houses and get me on indecent exposure to cover up the truth. What is the truth???

THE TRUTH was that Brian David Hill was not medically cleared on September 21, 2018. A month later Brian was diagnosed as to having a “psychosis”, not of a known substance or whatever. Psychosis was diagnosed with in response to Brian Hill's claim about a guy in a hoodie threatening Brian to get naked. That goes back to Carbon Monoxide. Psychosis is one of the symptoms.

I have asked both Franklin County Code Enforcers and Rocky Mount city or town Code Enforcers to hold “The Chimney Sweep” accountable for causing my arrest on September 21, 2018, because of the installation of metal tin on top of the chimney flues causing both the Hot Water Heater (gas) and gas furnace or I should say gas radiator had exhausted gas but the gas was blocked due to the metal tin on top of the chimney flues. The gas had nowhere to go except through my chimney and caused me suffering.

The Chimney Sweep is responsible for the indecent exposure, they should be charged with being the cause of this. They caused the Carbon Monoxide poisoning and gas since October 5, 2017. We have the check stub proving they were paid \$300. Pete Compton can prove to this Court by his witness testimony as to the metal tin on top of the chimney. Through paper, I confronted The Chimney Sweep with this evidence with the witness letter from Pete Compton, filed a complaint with the Attorney General.

Consumer Protection Office, case no. 953850, Confirmation Number: 22-01544; complaint filed on May 17, 2022.

They were confronted with this evidence, and they received a copy of my complaint if I am correct, and they refused to respond. They received a copy of my arrest warrant, they know they caused what happened on September 21, 2018. They knew the Hospital in 2018 did not do their job. I was not medically and psychologically cleared in any way, shape, or form.

It isn't about just proving lack of intent, the element of being medically and psychologically cleared on September 21, 2018, is a FRAUD. They never tested me for any drugs, narcotics, substances, or anything prior to me being arrested. Robert Jones

lied under oath by saying Brian David Hill was medically and psychologically cleared. Either lied or had a blatant disregard for the truth. Lack of probable cause.

Robert Jones said under oath that he didn't get my medical records. Here is a citation, again from the Federal transcript filed with the motion for new trial:

PAGE 34 and 35, FEDERAL HEARING TRANSCRIPT, CROSS EXAMINATION OF POLICE OFFICER ROBERT JONES, CASEW NO. 1:13-CR-435-1. Letters Q and A of citation modified to add period after those letters. Hearing dated September 12, 2019, transcribed by Briana L. Bell, RPR, Official Court Reporter. Questions asked under oath, under penalty of perjury. Questions asked by attorney Renorda Pryor.

Q Okay. Did you get those reports from -- the medical reports?

A No, I did not do a subpoena for his hospital records.

Q Okay. Did you speak to a doctor or anyone regarding his condition or anything of that nature that night?

A We -- other than just checking with him to see if they were going to be releasing him or admitting him, no.

Q Do you recall any tests that were taken that night besides just checking, I believe you said, his knee?

A No, ma'am. Like I said, when we -- we also checked him for mental health issues is the reason why they cleared him psychologically, to make sure there was nothing going on there. Once they do that, they do lab work and other stuff. I didn't ask about his medical history.

He admitted he didn't even get the medical reports. This officer didn't even know Brian Hill was diabetic. Didn't even believe Brian had autism. The Hospital has records proving that, but the Officer didn't believe Brian and didn't ask the Hospital if Brian was really autistic or was lying to him. This officer was INCOMPETENT, STUPID, He didn't do a good enough investigation worth a damn. He lied under warrant affidavit.

It is clear to this Court, the whole indecent exposure conviction is a fraud, it is erroneous. I will be asking a Federal Judge to strike down this conviction and use this letter as well in the Federal Courts. There are loopholes to the Rooker Feldman Doctrine. I will be pushing Federal Writ of Habeas Corpus. I will be bringing up what a

fraud all of this is. This is a fraud, he didn't know whether I was truly medically cleared.

You cannot hold somebody criminally culpable unless they are proven to being medically and psychologically cleared. That is one of the elements of my charge on September 21, 2018. Said under oath me being medically cleared when I was wasn't.

There will be investigations, I will push for them and will not inform the Court as to who is investigating until they are complete. Once they are complete I will ask for those records through FOIA request or by whatever legal means at my disposal.

The Chimney Sweep is the cause of Brian David Hill being naked on September 21, 2018. They are the cause because they installed metal tin on top of the chimney flues. The corrupt Police Chief was afraid of the drug houses being implicated by my claims so they covered up the police body-camera footage and covered up any laboratory results from the Hospital and instead they covered up doing any laboratory work or likely was pressured not to conduct the lab testing results. AT no fault of Brian Hill, the lab tests were canceled and thus Brian David Hill was not proven to being medically cleared, that is a lie. Brian was under carbon monoxide gas since October 5, 2017, poisoned from it's effects. Prolonged exposure to carbon monoxide can cause abnormal behaviors, any medical expert would have told the jury that prolonged exposure to Carbon Monoxide gas could cause the indecent exposure type behavior.

Matthew Clark failed to have a medical expert even learn about this.

The Hospital failed to medically clear Brian David Hill by the Emergency Room standards, on September 21, 2018. The medical record from November, 2017, a month after The Chimney Sweep was paid \$300 and they installed the metal tin on the exhaust chimney flues where the gas had nowhere to exhaust except in the Apartments, the medical record had complete laboratory results of Brian David Hill. The medical record from September 21, 2018 had no lab results, they were ordered but canceled.

**BRIAN WAS NOT MEDICALLY CLEARED. HE IS NOT GUILTY.**

Sustaining a criminal conviction, even after I will obtain investigation reports at a later time will make the Judge complicit to fraud on the Court. The judge will need to consider vacating the erroneous conviction on November 18, 2019. It is erroneous.

All I need is one government employee or any expert to admit based on the

evidence that Brian David Hill was not medically cleared on September 21, 2018, then it is more than just Brian not having intent necessary. That element of medically cleared and psychologically cleared is necessary and is part of the criminal charge.

ALL ELEMENTS OF THE CRIMINAL CHARGE MUST BE PROVEN  
BEYOND A REASONABLE DOUBT.

**ALL ELEMENTS OF THE CRIMINAL CHARGE  
MUST BE PROVEN BEYOND A REASONABLE DOUBT.**

The element of intent is disproven because Brian Hill was not psychologically and medically cleared. I have disproved the medically cleared element. Not all elements are met. I never plead guilty, Hon. Giles Carter Greer knows this. He knows it. He marked out such notion when he accepted my written motion to withdraw appeal. I never waived all of my rights, I preserved my right to prove my innocence at a later time.

I will be getting investigation report or reports at some point because I will push for investigations and will not inform the Court of such investigations until they are completed to protect any investigators from harassment or meddling, I will be asking for acquittal or New Trial again based on Tweed v. Commonwealth, 36 Va. App. 363, 550 S.E.2d 345 (Va. Ct. App. 2001) and Odum v. Commonwealth, 225 Va. 123, 301 S.E.2d 145 (Va. 1983). This judge knows by law I can have a new trial with new evidence.

Once I have investigative reports of any kind, especially from the Government, I will be filing one more motion for new trial or judgment of acquittal.

It doesn't matter about Rule 1:1 and lack of jurisdiction. New evidence does warrant a new criminal trial, you know this, the judges know this. Case law says this.

See the photo of the check stub to The Chimney Sweep in 2017. This proves my mother Roberta Hill paid \$300 to The Chimney Sweep to work on the chimney.

168

✓ Track Your Expenses ...

<input type="checkbox"/> Auto/Travel	<input type="checkbox"/> Education	<input type="checkbox"/> Medical/Dental
<input type="checkbox"/> Business	<input type="checkbox"/> Entertainment	<input type="checkbox"/> Savings
<input type="checkbox"/> Charities	<input type="checkbox"/> Food	<input type="checkbox"/> Taxes
<input type="checkbox"/> Clothing	<input type="checkbox"/> Home	<input type="checkbox"/> Utilities
<input type="checkbox"/> Dependent Care	<input type="checkbox"/> Insurance	<input type="checkbox"/> Other

*Oct 5, 2017*

*The Chimney Sweep*

*Three hundred*

Duplicate is produced using soy-based materials.  
Images may appear light.

☐ TAX DEDUCTIBLE ITEM

BAL. FOR'D	
ITEM AMOUNT	<i>300.00</i>
BALANCE	
DEPOSIT	
FOR'D	

NOT NEGOTIABLE

For enhanced security your account number will not be printed on this copy

Thank You. Respectfully filed with the Circuit Court, this the 18th day of June, 2022.

*Brian D. Hill*  
*Signed*

Brian D. Hill

God bless you,  
Brian D. Hill

Ally of Q, Former news reporter of U.S.W.G.O. Alternative News  
310 Forest Street, Apartment 2  
Martinsville, Virginia 24112  
(276) 790-3505

**U.S.W.G.O.**

[JusticeForUSWGO.NL](http://JusticeForUSWGO.NL) or [JusticeForUSWGO.wordpress.com](http://JusticeForUSWGO.wordpress.com)





# COMMONWEALTH of VIRGINIA

*Secretary of the Commonwealth*

June 03, 2022

POST OFFICE BOX 2454

RICHMOND, VIRGINIA 23218-2454

Brian David Hill  
310 Forest Street, Apt 2  
Martinsville, VIRGINIA 24112

Dear Brian David Hill:

We are writing to let you know your petition for executive clemency has been denied.

We understand that this news is not easy to receive although you should know that pardons are granted only in extraordinary circumstances and in a relatively small percentage of cases. Our team thoroughly reviewed your petition and, unfortunately, it did not warrant action at this time. Once a petition has been denied, there is no right to appeal. You are, however, encouraged to continue to build a strong record as a good citizen and you are eligible to submit another petition for executive clemency three years from the date of this letter.

Sincerely,

Pardons Department  
Office of the Secretary of the Commonwealth



# **VIRGINIA:**

*In the Court of Appeals of Virginia on Tuesday the 1<sup>st</sup> day of March, 2022.*

Brian David Hill,

Petitioner,

against

Record No. 0173-22-3

Commonwealth of Virginia,

Respondent.

Upon a Petition for a Writ of Actual Innocence

Before Judges Beales, Athey, and Lorish

Brian David Hill seeks a Writ of Actual Innocence under Chapter 19.3 of Title 19.2 of the Code of Virginia by petition filed on February 3, 2022. Hill contends that he is actually innocent of indecent exposure, for which he was convicted in the General District Court of the City of Martinsville on December 21, 2018. Although Hill appealed the conviction to the Circuit Court of the City of Martinsville, he subsequently withdrew his appeal. By final order entered on November 18, 2019, the circuit court affirmed the judgment of the general district court and ordered Hill to pay court costs. *See* Code § 16.1-133.

Hill asserts he is innocent based on the “unlawful destruction of evidence by the Commonwealth.” Specifically, Hill alleges that the Martinsville Police Department and Sovah Hospital destroyed evidence pertinent to his ability to defend against the charge for which he was convicted. Hill also notes the 2020 amendments to the actual innocence statutes relaxing the burden of proof from clear and convincing evidence to a preponderance of the evidence. *See generally Tyler v. Commonwealth*, 73 Va. App. 445, 460-62 (2021) (discussing the change in the burden of proof).

## **ANALYSIS**

“Code § 19.2-327.10 confers original jurisdiction upon this Court to consider a petition for a writ of actual innocence based on non-biological evidence.” *Johnson v. Commonwealth*, 72 Va. App. 587, 596 (2020) (quoting *Phillips v. Commonwealth*, 69 Va. App. 555, 562 (2018)). “This Court’s authority to issue a


writ of actual innocence, however, ‘is limited. It can only be exercised “in *such cases* and in *such manner* as may be provided by the General Assembly.’”” *Waller v. Commonwealth*, 70 Va. App. 772, 775 (2019) (quoting *In re Brown*, 295 Va. 202, 209 (2018) (quoting Va. Const. art. VI § 1)) (emphasis in original).

“Code § 19.2-327.10 confers original jurisdiction upon the Court of Appeals of Virginia to consider a petition for a writ of actual innocence based on newly-discovered, non-biological evidence filed by any individual ‘convicted of a *felony*[.]’” *Turner v. Commonwealth*, 282 Va. 227, 239 (2011) (emphasis added). By authorizing this Court to issue a writ of actual innocence in response to a petition from a person who was convicted of a felony, the General Assembly plainly limited eligibility for the writ to those convicted of felony offenses. “Petitions that fall ‘outside of these statutory boundaries,’ must be submitted to the Governor of Virginia, who is vested with the power of executive clemency.” *Waller*, 70 Va. App. at 775 (quoting *In re Brown*, 295 Va. at 209). Here the record reflects, and Hill expressly pleads, that he was convicted of a misdemeanor offense.

Accordingly, this Court is without jurisdiction to consider Hill’s petition for a writ of actual innocence and his petition is summarily dismissed. Code § 19.2-327.10.

A Copy,

Teste:

By:   
Deputy Clerk

A. John Vollino, Clerk

## **VIRGINIA:**

*In the Court of Appeals of Virginia on Thursday the 2nd day of September, 2021.*

Brian David Hill,

Appellant,

against

Record No. 1295-20-3  
Circuit Court No. CR19000009-00  
(Appeal of November 18, 2019 order)

Commonwealth of Virginia and  
City of Martinsville,

Appellees.

From the Circuit Court of the City of Martinsville

Before Senior Judges Annunziata, Clements and Frank

Counsel for appellant has moved for leave to withdraw. The motion to withdraw is accompanied by a brief referring to the part of the record that might arguably support this appeal. A copy of this brief has been furnished to appellant with sufficient time for appellant to raise any matter that appellant chooses.

The Court has reviewed the petition for appeal and appellant's *pro se* supplemental petitions for appeal, fully examined all of the proceedings, and determined the case to be wholly frivolous for the following reasons:

I. Appellant, by counsel, argues that the trial court committed reversible error when it accepted his withdrawal of his misdemeanor appeal “without ascertaining whether [he] was accepting the general district court’s judgment voluntarily and with an understanding of the consequences of his withdrawal[.]” Appellant contends that allowing him to withdraw his appeal without making such an inquiry violated Rule 3A:8(2) and Rule 7C:6(a).

On December 21, 2018, the General District Court for the City of Martinsville convicted appellant of misdemeanor indecent exposure and sentenced him to thirty days in jail. He timely noted an appeal to the trial court. See Code § 16.1-132. Although he had court-appointed counsel, nearly a year after noting his

appeal to the trial court, appellant filed a *pro se* motion to withdraw his appeal. The trial court entered an order affirming the district court's judgment and assessing costs on November 18, 2019.

Appellant, by counsel, argues that a withdrawal of a misdemeanor appeal from the general district court is, "[f]or all practical purposes concerning guilt or innocence, . . . indistinguishable from a circuit court's acceptance of a guilty or no contest plea to the same charge." He therefore posits that the trial court was obligated under Rule 3A:8(2) and Rule 7C:6(a), which govern guilty and *nolo contendere* pleas, to "determine whether [he] was withdrawing his appeal 'voluntarily' and 'with an understanding of the nature of the charge and the consequences' of his withdrawal." We disagree.

The withdrawal of a properly noted appeal from the general district court to the circuit court in a criminal case is governed by Code § 16.1-133. That statute provides, in pertinent part, as follows:

[A]ny person convicted in a general district court, a juvenile and domestic relations district court, or a court of limited jurisdiction of an offense not felonious may, at any time before the appeal is heard, withdraw an appeal which has been noted, pay the fine and costs to such court, and serve any sentence which has been imposed.

A person withdrawing an appeal shall give written notice of withdrawal to the court and counsel for the prosecution prior to the hearing date of the appeal. If the appeal is withdrawn more than ten days after conviction, the circuit court shall forthwith enter an order affirming the judgment of the lower court and the clerk shall tax the costs as provided by statute. Fines and costs shall be collected by the circuit court, and all papers shall be retained in the circuit court clerk's office.

The Supreme Court has explained that the statutory requirement that the circuit court enter an order "affirming" the district court judgment "indicates that the general district court judgment in the withdrawn appeal remains in effect and is ratified by the circuit court order." Commonwealth v. Diaz, 266 Va. 260, 265 (2003). Indeed, until the appeal "is heard" in the circuit court, the general district court's judgment, although stayed, remains a valid judgment while the appeal is pending. Id. Thus, the general district court's judgment convicting appellant of indecent exposure "remained in effect throughout the proceedings in this case." Id.

"[W]here a misdemeanant withdraws his appeal *de novo* from the district court before it is heard in the circuit court, his conviction and sentence by the district court are affirmed . . . ." Turner v. Commonwealth,

49 Va. App. 381, 389 (2007). Nothing in the statute, or the precedents applying it, mandates or even suggests that the trial court is required to take any action other than to enter an order affirming the district court's judgment, if the appellant notifies the court that he is withdrawing the appeal. Indeed, appellant himself notes in his *pro se* supplemental petition for appeal that he did not plead guilty or concede his guilt. Thus, we find appellant's argument that the Rules of Court governing guilty pleas applied under the circumstances of this case is without merit.

II. Appellant, *pro se*, contends that the trial court erred by "entering the Final Conviction" because it "ignor[ed]" his other *pro se* filings, but "entertain[ed]" his "motion" to withdraw his appeal.<sup>1</sup> Appellant contends that the trial court violated his rights to due process and equal protection rights by "pick[ing] and choos[ing]" which of his *pro se* motions it would act upon. We find no error in the trial court's judgment.

Initially, we note that the trial court did not enter a "final conviction." Rather, the trial court merely affirmed the district court's stayed but valid conviction and sentence. Diaz, 266 Va. at 265.

The record demonstrates that after the trial court set the case for a jury trial,<sup>2</sup> appellant, who was represented by counsel, filed a series of *pro se* motions; those motions were: motion for an insanity defense alleging that he was insane at the time of the offense but was sane and competent when he filed the motion; motion for new counsel, asserting trial counsel was ineffective; motion for discovery seeking footage from the arresting officer's body worn camera; motion to suppress evidence of his prior federal conviction for possession of child pornography; and, a motion to dismiss for insufficient evidence. The trial court had entered a discovery order on July 15, 2019, which required the Commonwealth to permit appellant's counsel "to inspect and copy or photograph, within a reasonable time, before the trial or sentencing, . . . [a]ny relevant written or recorded statements or confessions made by the Defendant, or copies thereof, or the substance of any oral statements or confessions made by the Defendant to any law enforcement officer . . . ." The record

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<sup>1</sup> We grant appellant's motion to treat his *pro se* petition for appeal, filed on March 25, 2021, as his *pro se* supplemental petition for appeal.

<sup>2</sup> The Commonwealth requested a jury trial.

further indicates that the trial court appointed appellant new counsel by order of August 19, 2019.

Additionally, the trial court granted new counsel's motion for a continuance of the trial. Appellant's remaining *pro se* motions addressed trial matters, *i.e.*:

- an affirmative defense, *see* Riley v. Commonwealth, 277 Va. 467, 479 (2009) (“When asserting an affirmative defense, such as insanity, . . . the burden is on the defendant to present evidence establishing such defense to the satisfaction of the *fact finder*.” (emphasis added));
- the admissibility of evidence, *see* Baldwin v. Commonwealth, 69 Va. App. 75, 89 (2018) (noting prior convictions are “admissible and relevant during sentencing”) and Epps v. Commonwealth, 59 Va. App. 71, 79 n.7 (2011) (noting that a “convicted felon or perjurer may be impeached with his prior conviction”); and,
- the sufficiency of the evidence, *see* Smith v. Commonwealth, 72 Va. App. 523, 523 (2020) (noting that “[w]hether the required intent exists is generally a question of fact for the *trier of fact*”) (emphasis added) (quoting Brown v. Commonwealth, 68 Va. App. 746, 787 (2018) (alteration in original)).

Thus, the trial court did not “ignore” appellant's *pro se* motions; they simply were not ripe for consideration when appellant elected to withdraw his misdemeanor appeal.

III. Appellant, *pro se*, contends that the trial court erred and abused its discretion “by entering the Final Conviction” and not considering his assertions of innocence. The question of appellant's factual innocence was a question for the jury; however, appellant elected to forgo a jury trial when he exercised his right under Code § 16.1-133 to withdraw his appeal. Having exercised that right, appellant will not now be heard to complain that the trial court erred.<sup>3</sup> “A party may not approbate and reprobate by taking successive positions in the course of litigation that are either inconsistent with each other or mutually contradictory.” Cody v. Commonwealth, 68 Va. App. 638, 665 (2018) (quoting Cangiano v. LSH Bldg. Co., 271 Va. 171, 181 (2006)). “Nor may a party invite error and then attempt to take advantage of the situation created by his

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<sup>3</sup> Code § 16.1-133 does not vest the circuit court with the discretion to deny the withdrawal of an appeal from the district court. Rather, upon notice of the withdrawal, “the circuit court shall *forthwith* enter an order affirming the judgment of the lower court and the clerk shall tax the costs as provided by statute.” Id. (Emphasis added).

own wrong.” Alford v. Commonwealth, 56 Va. App. 706, 709 (2010) (quoting Rowe v. Commonwealth, 277 Va. 495, 502 (2009)).

IV. Appellant, *pro se*, contends that the trial court erred and abused its discretion “by entering the Final Conviction” without conducting an evidentiary hearing into his allegations that he had not been “medically and psychologically cleared,” in contradiction to a statement in the criminal complaint. As noted above, the opportunity to challenge the arresting officer’s account was at a jury trial, where appellant could have confronted the officer and presented his mental health evidence.

V. Appellant, *pro se*, contends that the trial court erred and abused its discretion “by entering the Final Conviction” because the evidence presented to the district court was insufficient to prove the requisite intent to sustain the misdemeanor conviction. As noted above, “[w]hether the required intent exists is generally a question of fact for the *trier of fact*.” Smith, 72 Va. App. at 523 (emphasis added) (quoting Brown, 68 Va. App. at 787 (alteration in original)).

VI. Appellant, *pro se*, contends that he was denied the effective assistance of counsel in the trial court. “Claims raising ineffective assistance of counsel must be asserted in a habeas corpus proceeding and are not cognizable on direct appeal.” Lenz v. Commonwealth, 261 Va. 451, 460 (2001). See also 1990 Va. Acts, ch. 74 (repealing Code § 19.2-317.1).

Accordingly, we deny the petition for appeal and grant the motion for leave to withdraw. See Anders v. California, 386 U.S. 738, 744 (1967). This Court’s records shall reflect that Brian David Hill is now proceeding without the assistance of counsel in this matter and is representing himself on any further proceedings or appeal.

The trial court shall allow John I. Jones, IV, Esquire, the fee set forth below and also counsel’s necessary direct out-of-pocket expenses. The Commonwealth shall recover of the appellant the costs in this Court and in the trial court.

Costs due the Commonwealth by appellant in  
Court of Appeals of Virginia:

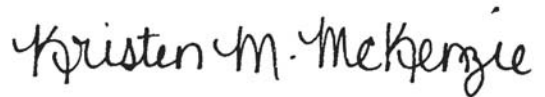
Attorney's fee     \$300.00 plus costs and expenses

A Copy,

Teste:

A. John Vollino, Clerk

By:

A handwritten signature in black ink that reads "Kristen M. McKenzie". The signature is written in a cursive, flowing style.

Deputy Clerk



# **VIRGINIA:**

*In the Court of Appeals of Virginia on Wednesday the 28th day of October, 2020.*

Brian David Hill,

Petitioner,

against

Commonwealth of Virginia,

Respondent.

From the Circuit Court of the City of Martinsville

Upon consideration of the motion of Brian David Hill, and receiving no objection thereto from the Commonwealth, leave is granted Brian David Hill to file a replacement notice of appeal from the judgment rendered against him by the Circuit Court of the City of Martinsville on November 25, 2019, upon a conviction of misdemeanor indecent exposure (Circuit Court No. CR19000009-00).

All computations of time as required by the Rules of Court and applicable statutes shall commence on the date of entry of this order or, if Hill is entitled to appointed counsel upon this appeal, from the date of entry of the trial court's order appointing counsel, whichever date shall be later.

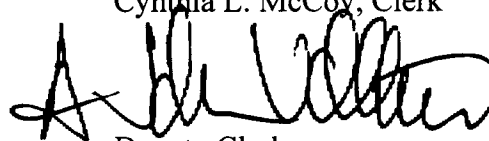
This order shall be certified to the trial court.

A Copy,

Teste:

Cynthia L. McCoy, Clerk

By:

  
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



UNITED STATES OF AMERICA )

v. )

1:13CR435-1

BRIAN DAVID HILL )

**JUDGMENT AND COMMITMENT**  
**Supervised Release Violation Hearing**

On September 12, 2019, a hearing was held on a charge that the Defendant had violated the terms and conditions of supervised release as set forth in the Court's Order filed July 24, 2015 and the Judgment filed November 12, 2014 in the above-entitled case, copies of which are attached hereto and incorporated by reference into this Judgment and Commitment.

The Defendant was represented by Renorda E. Pryor, Attorney.

The Defendant was found to have violated the terms and conditions of his supervised release. The violation(s) as follow were willful and without lawful excuse.

Violation 1. On September 21, 2018, the Defendant was arrested for the commission of a crime.

IT IS ORDERED that the Defendant's supervised release be revoked. The Court has considered the U.S. Sentencing Guidelines and the policy statements, which are advisory, and the Court has considered the applicable factors of 18 U.S.C. §§ 3553(a) and 3583(e).

IT IS ORDERED that the Defendant be committed to the custody

of the Bureau of Prisons for imprisonment for a period of nine (9) months.

IT IS FURTHER ORDERED that supervised release of nine (9) years is re-imposed under the same terms and conditions as previously imposed.

The Defendant shall surrender to the United States Marshal for the Middle District of North Carolina or to the institution designated by the Bureau of Prisons by 12:00 p.m. on December 6, 2019.

A handwritten signature in black ink, appearing to read "T. Court", is written over a horizontal line.

United States District Judge

October 4, 2019.

ORDER IN MISDEMEANOR OR  
TRAFFIC INFRACTION PROCEEDING

Case No. CR19000009-00

COMPLETE DATA BELOW IF KNOWN

MARTINSVILLE CIRCUIT COURT ..... Circuit Court  
MARTINSVILLE

RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
		MO.	DAY	YR.	FT.	IN.			
W	M	05	26	1990	6	00	150	BL	BR

SSN: [REDACTED]-0319

v.

BRIAN DAVID HILL  
310 FOREST ST, APT 1

SEPTEMBER 21, 2018

NOVEMBER 15, 2019

OFFENSE DATE

TRIAL DATE

MARTINSVILLE, VA. 24112

The Defendant was this day ☐ tried in absence ☒ present

Attorney: CLARK, MATT ..... ☒ Appointed ☐ Retained

Original Charge: INDECENT EXPOSURE

Code Section: 18.2-387

☐ State Code ☒ Local Ordinance

Virginia Crime Code: OBS-3713-O1

Offense Tracking Number: 690GM1800003560

**Plea:**

☒ Not Guilty

☐ Consent by Defendant to Waiver of Jury

☐ Guilty as Charged

☐ Concurrence of Court and Commonwealth's Attorney

☐ Guilty to Amended Charge

☐ Plea voluntarily and intelligently entered after defendant was apprised of his right against compulsory self-incrimination, right to confront the witnesses against him, and right to a jury trial.

☐ Nolo Contendere

Charge: INDECENT EXPOSURE

Code Cite: 18.2-387

Virginia Crime Code: OBS-3713-O1

**Finding:**

☐ Not Guilty

☐ Guilty of

☐ Guilty as Charged ☐ Plea Agreement Accepted

☒ Appeal/Withdraw/Affirm

☐ Appeal not timely filed

☐ Facts sufficient to find guilt but defer adjudication/disposition to

DATE AND TIME

Charge: INDECENT EXPOSURE

Code Cite: 18.2-387

Virginia Crime Code: OBS-3713-O1

**Order:**

☐ Nolle Prosequi ☐ Dismissed ☐ Dismissed with Prejudice ☐ Continued to ..... ☒ COSTS imposed

DATE AND TIME

☐ FINE ☐ CIVIL PENALTY of \$ ..... with \$ ..... suspended

☒ JAIL SENTENCE of 30 DAYS imposed, ☐ of which ..... days mandatory minimum, with ..... suspended for a period of ....., conditioned upon being of good behavior, keeping the peace, obeying this order and for paying fines and costs.

Credit is allowed pursuant to § 53.1-187 for time spent in confinement.

☐ Serve jail sentence beginning ..... ☐ on weekends only

☐ Work release ☐ authorized if eligible ☐ required

☐ Public work force

☐ authorized

☐ not authorized

☐ not authorized

☐ on PROBATION for ..... ☐ VASAP ☐ local community-based probation agency

☐ DRIVER'S LICENSE suspended for

☐ Restricted Driver's License per attached order ☐ Ignition Interlock for

☐ Attached ORDER FOR RESTITUTION incorporated.

☐ COMMUNITY SERVICE ..... hours to be completed by ..... and supervised by

☐ to be credited against fines and costs

☐ Contact prohibited between defendant and victim/victim's family or household members

☐ Reimburse Commonwealth for investigatory medical fees

☐ Pay \$50 fee to the Court for Trauma Center Fund

☐ Registration pursuant to Code § 9.1-903 for offenses defined in § 9.1-902 is required.

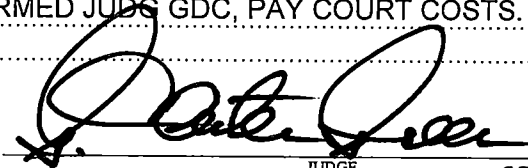
☐ Remanded for ☐ CCRE Report ☐

☐ Bail on Appeal \$

☒ Other: DEF CHANGED HIS PLEA TO GUILTY AND AFFIRMED JUDGE GDC, PAY COURT COSTS.

11/18/19

DATE



JUDGE

2526

COMMONWEALTH OF VIRGINIA  
VA. CODE §§ 19.2-354; 19.2-358

Case No(s). CR19000009-00

In the Circuit Court for the ☒ City ☐ County of MARTINSVILLE  
☐ COMMONWEALTH OF VIRGINIA

☒ CITY ☐ COUNTY OF MARTINSVILLE

v. BRIAN DAVID HILL

DEFENDANT

SSN [REDACTED] 0319

UNKNOWN

DRIVER'S LICENSE NUMBER

DRIVER'S LICENSE STATE

310 FOREST ST, APT 1, MARTINSVILLE, VA 24112

RESIDENCE ADDRESS

MAILING ADDRESS IF DIFFERENT FROM ABOVE

TELEPHONE NUMBER

**I. ACKNOWLEDGMENT OF SUSPENSION OR REVOCATION OF DRIVER'S LICENSE**

I acknowledge that I have been notified that my driver's license/driving privilege:

☐ is suspended or revoked for a period of ..... effective ..... as a result of

☐ my conviction by this Court.

☐ action taken by the Virginia Department of Motor Vehicles pursuant to Va. Code § 46.2-390.1 for the Court's conviction or finding of facts sufficient to convict me of violating the drug laws (Va. Code §§ 18.2-247 through 18.2-264) of this Commonwealth.

☐ Declaration by the Virginia Department of Motor Vehicles ☐ Adjudication by ..... Court that I am a habitual offender.

I acknowledge that I owe fines, costs, forfeiture, restitution and/or penalty of \$ 1,222.45 plus any additional court-appointed attorney fee, if applicable.

I further certify that on this date this notice was read, understood by me, and I received a copy of the same, and that my driver's license

☐ WAS ☐ WAS NOT surrendered to this Court. Reason not surrendered:

November 15, 2019

(x) Brian D. Hill

DEFENDANT

DATE

State/Commonwealth of ☒ Virginia ☐ Martinsville

County/City of Brian David Hill

Acknowledged before me this day by

November 15, 2019

DATE

PRINT NAME OF SIGNATORY

☐ JUDGE ☒ CLERK ☐ NOTARY PUBLIC

Notary Registration No. heavy

My commission expires:

READ PART I ON THE BACK OF THIS FORM FOR MORE STIPULATIONS, WHICH ARE INCORPORATED BY REFERENCE AND ARE MADE A PART OF THIS ACKNOWLEDGMENT.

**II. ORDER AND NOTICE OF DEFERRED PAYMENT OR INSTALLMENT PAYMENTS**

SEE PART II ON THE BACK OF THIS FORM FOR FURTHER STIPULATIONS, WARNINGS AND INFORMATION CONCERNING THIS NOTICE AND ORDER, WHICH ARE HEREBY INCORPORATED BY REFERENCE.

Upon due consideration, the Defendant's Petition for deferred or installment payments is accordingly ACCEPTED, and the Defendant is ORDERED to pay costs, fines, forfeiture, and penalty totaling \$ 1,222.45, plus restitution

totaling \$ ..... plus any additional court-appointed attorney fee, court reporter fee, and interest, if applicable, by:

☒ making 4 installment payments of \$ 300.00 per 6 MONTH beginning 05/15/2020 until paid in full; or

☐ making a deferred payment in full on or before .....

☐ Restitution payments are to be paid in accordance with the court's ORDER FOR RESTITUTION previously entered.

If Deferred payment is not received by the above due date, or if the final Installment payment is not received by ..... the defendant is hereby given NOTICE to return to this Court on ..... at .....

The total listed above does not include transcript costs and any costs/damages that may be charged if you appeal from this court.

**NOTICE: READ PART II ON THE BACK OF THIS FORM FOR MORE STIPULATIONS WHICH ARE INCORPORATED BY REFERENCE AND ARE MADE A PART OF THIS ORDER AND NOTICE.**

Entered this 15TH day of NOVEMBER, 2019

I have asked for and received a copy of this Order and Notice.

(X) Brian D. Hill

DEFENDANT

Bonky F. Pritchett

☐ JUDGE

☒ CLERK

## PART I

I understand that if I provide for payment of a fine or other monies due by a method other than cash and my payment fails, the Clerk will send me a written notice of my failure of payment. A penalty of \$50.00 or 10 percent of the amount of the payment, whichever is greater, may be charged if the method of payment fails.

I further understand that, if I am convicted of driving while my driver's license is suspended or revoked, I may be fined, sentenced to jail, or both.

I understand that upon suspension or revocation of my license, I may not operate a motor vehicle in the Commonwealth of Virginia until:

- (1) All periods of suspension imposed by any Court or the Department of Motor Vehicles have expired, AND
- (2) The Department of Motor Vehicles reinstates my license (if suspended) or issues a new license (if revoked) after:
  - (a) I have paid the reinstatement fee (if any) to the Department of Motor Vehicles, AND
  - (b) I have met all other administrative requirements of the Department of Motor Vehicles.

## PART II

I understand that if the Court has ordered deferred or installment payments, or community service to pay all or part of the fines and costs, I must make all required payments or perform all community service on time.

I understand that:

- (1) as a condition of this agreement, I must promptly inform the Court of any change of my mailing address during the term of the agreement;
- (2) if the fines, costs, forfeiture, restitution, and/or penalty are not paid in full by the date ordered, that the Court shall proceed according to the provisions of Va. Code § 19.2-358, which state that a show cause summons or capias for my arrest may be issued;
- (3) the amount(s) listed in this agreement may be administratively amended by the Clerk of this Court in the event additional costs should be assessed and if additional costs are assessed, that the Clerk will forthwith issue a notice to me of the total amount due by first class mail to my address of record;
- (4) the Court or Clerk thereof may adjust the final payment date administratively, without further notice, for installment payment agreements, if I fail to make a scheduled payment or for deferred payments, if I fail to pay in full by the date ordered, for the purposes of referring the account for action pursuant to Va. Code § 19.2-358.

I further understand that if the Court does not receive payments as ordered, my case will be referred for collection enforcement action under §§ 19.2-349, 19.2-353.5, 19.2-358, or 58.1-520 through 58.1-534 of the Code of Virginia. If my case is referred for collection enforcement action under § 19.2-349, the amount that I owe and that can be collected will be increased to reflect the additional costs associated with collection action. If any part of the amount due remains unpaid, pursuant to § 19.2-358, I may be subject to a jail sentence of up to 60 days or an additional fine of up to \$500.00.

Pursuant to Va. Code § 19.2-353.5, if interest on outstanding fines and costs owed to this court accrued during a period when I was incarcerated, I may request that the interest that accrued when I was incarcerated be waived by this Court.

This Order and Notice is provided to the Defendant pursuant to Va. Code § 19.2-354. This Order shall not be spread on the Order Book of this Court.

**DISPOSITION NOTICE**  
Commonwealth of Virginia

**DISPOSITION TO THE SHERIFF, JAIL OFFICER OR CORRECTIONAL OFFICER:**  
Confine the person named in this notice in your facility in accordance with the order(s) below.  
**HOWEVER**, if the defendant appeals ANY of the charges below, **DO NOT RELEASE** him or her until ALL conditions of bail are met.

MARTINSVILLE

CITY OR COUNTY

☐ General District Court ☐ Traffic ☐ Criminal ☐ Civil Division  
☐ Juvenile and Domestic Relations District Court ☒ Circuit Court

05/26/1990

HILL, BRIAN DAVID

DATE OF BIRTH

NAME OF DEFENDANT (LAST, FIRST, MIDDLE) AND ALIAS, IF ANY

☒ Male ☐ Female ☒ Adult ☐ Juvenile

☐ DISPOSITION ADDENDUM listing additional cases is attached and incorporated.

1. Case No. CR19000009-00 Offense Date 09/21/2018 Original Charge INDECENT EXPOSURE  
☐ Not guilty ☐ Nolle prosequi ☐ Dismissed  
☒ Convicted of INDECENT EXPOSURE ☐ Felony ☒ Misdemeanor  
☐ State Code § ☒ Local Ordinance 18.2-387  
VCC OBS-3713-O1 OTN 690GM1800003560  
☐ Appeal noted ☐ Certified to Grand Jury ☐ FINE/COST ☐ OTHER  
☒ Jail sentence of 30 DAYS imposed with suspended.  
☒ mos. 30 days hours to be served in jail ☐ of which days mandatory  
minimum confinement.  
☐ Committed to the Department of Corrections for  
☐ Committed to the Department of Juvenile Justice for  
☐ Extradition waived, and Form DC-375 WAIVER OF EXTRADITION attached. If not delivered to Demanding State, return to  
court on , at ☐  
Credit is allowed pursuant to § 53.1-187 for time spent in confinement.

2. Case No. Offense Date Original Charge  
☐ Not guilty ☐ Nolle prosequi ☐ Dismissed  
☐ Convicted of ☐ Felony ☐ Misdemeanor  
☐ State Code § ☐ Local Ordinance  
VCC OTN  
☐ Appeal noted ☐ Certified to Grand Jury ☐ FINE/COST ☐ OTHER  
☐ Jail sentence of imposed with suspended.  
☐ mos. days hours to be served in jail ☐ of which days mandatory  
minimum confinement.  
☐ Committed to the Department of Corrections for  
☐ Committed to the Department of Juvenile Justice for  
☐ Extradition waived, and Form DC-375 WAIVER OF EXTRADITION attached. If not delivered to Demanding State, return to  
court on , at ☐  
Credit is allowed pursuant to § 53.1-187 for time spent in confinement.

☐ Civil Contempt ☐ To be served in jail ☐ Released upon payment of \$ support arrearages

to: PAYEE  
☐ Restitution ordered: \$  
☐ Other

SPECIAL CONDITIONS: ☐ Weekend ☐ Delayed confinement to begin on DATE at TIME  
☐ Work release ☐ Work release (if eligible) ☐ Home-electronic incarceration ☐ Drug testing ordered  
☐ Public Workforce Authorized

BAIL AMOUNT: \$ ☐ If transferred or certified to Circuit Court ☐ If appealed  
☐ Secured ☐ Unsecured ☐ Recognizance ☐ Held without bail ☐ No change in existing bail amount

☐ No change in existing bail conditions Circuit Court date and time:

ADDITIONAL BAIL CONDITIONS: Accused ☐ may ☐ may not depart the Commonwealth of Virginia.  
☐ Future Support Bond \$ ☐ Support Arrearage Bond \$ ordered and must be posted  
with the Clerk within thirty (30) days of civil contempt finding/criminal contempt conviction. (Form DC-460)

Donner 15, 2019  
DATE

☐ CLERK ☐ JUDGE

(PAGE 1 OF 1)

**DISPOSITION NOTICE**

Commonwealth of Virginia

**DISPOSITION TO THE SHERIFF, JAIL OFFICER OR CORRECTIONAL OFFICER:**

Confine the person named in this notice in your facility in accordance with the order(s) below.  
**HOWEVER**, if the defendant appeals ANY of the charges below, **DO NOT RELEASE** him or her until ALL conditions of bail are met.

MARTINSVILLE GEN DIST - CRIMINAL

CITY OR COUNTY

☒ General District Court ☐ Traffic ☒ Criminal ☐ Civil Division☐ Juvenile and Domestic Relations District Court ☐ Circuit Court

HILL, BRIAN DAVID

5/26/1990

NAME OF DEFENDANT (LAST, FIRST, MIDDLE) AND ALIAS, IF ANY

DATE OF BIRTH

☒ Male ☐ Female ☒ Adult ☐ Juvenile☐ DISPOSITION ADDENDUM listing additional cases is attached and incorporated.

1. Case No. GC18003138-00 Offense Date 9/21/2018 Original Charge INDECENT EXPOSURE

☐ Not guilty ☐ Nolle prosequi ☐ Dismissed☒ Convicted of INDECENT EXPOSURE ☐ Felony ☒ Misdemeanor☐ State Code § ☒ Local Ordinance 18.2-387

VCC OBS-3713-O1 OTN 690GM1800003560

☒ Appeal noted ☐ Certified to Grand Jury \$299.00 FINE/COST ☐ OTHER☒ Jail sentence of 030 D imposed with suspended.☐ mos. days hours to be served in jail ☐ of which days mandatory minimum confinement.☐ Committed to the Department of Corrections for☐ Committed to the Department of Juvenile Justice for☐ Extradition waived, and Form DC-375 WAIVER OF EXTRADITION attached. If not delivered to Demanding State, return to court on , at ☐

Credit is allowed pursuant to § 53.1-187 for time spent in confinement.

2. Case No. Offense Date Original Charge

☐ Not guilty ☐ Nolle prosequi ☐ Dismissed☐ Convicted of ☐ Felony ☐ Misdemeanor☐ State Code § ☐ Local Ordinance

VCC OTN

☐ Appeal noted ☐ Certified to Grand Jury FINE/COST ☐ OTHER☐ Jail sentence of imposed with suspended.☐ mos. days hours to be served in jail ☐ of which days mandatory minimum confinement.☐ Committed to the Department of Corrections for☐ Committed to the Department of Juvenile Justice for☐ Extradition waived, and Form DC-375 WAIVER OF EXTRADITION attached. If not delivered to Demanding State, return to court on , at ☐

Credit is allowed pursuant to § 53.1-187 for time spent in confinement.

☐ Civil Contempt ☐ To be served in jail ☐ Released upon payment of \$ support arrearages

to:

PAYEE

☐ Restitution ordered: \$☐ OtherSPECIAL CONDITIONS: ☐ Weekend ☐ Delayed confinement to begin on DATE at TIME☐ Work release ☐ Work release (if eligible) ☐ Home-electronic incarceration ☐ Drug testing ordered☐ Public Workforce AuthorizedBAIL AMOUNT: \$ ☐ If transferred or certified to Circuit Court ☒ If appealed☐ Secured ☐ Unsecured ☐ Recognizance ☐ Held without bail ☒ No change in existing bail amount☒ No change in existing bail conditions Circuit Court date and time: 1/28/2019 9:00 amADDITIONAL BAIL CONDITIONS: Accused ☐ may ☐ may not depart the Commonwealth of Virginia.☐ Future Support Bond \$ ☐ Support Arrearage Bond \$ ordered and must be posted with the Clerk within thirty (30) days of civil contempt finding/criminal contempt conviction. (Form DC-460)

12/26/2018

DATE

CLERK

☐ JUDGE



# WARRANT OF ARREST—MISDEMEANOR (LOCAL)

COMMONWEALTH OF VIRGINIA Va. Code § 19.2-71, -72

Martinsville

CITY OR COUNTY

☒ General District Court ☒ Criminal ☐ Traffic  
☐ Juvenile and Domestic Relations District Court

Martinsville

☒ City ☐ County ☐ Town

TO ANY AUTHORIZED OFFICER:

You are hereby commanded in the name of the Commonwealth of Virginia forthwith to arrest and bring the Accused before this Court to answer the charge that the Accused, within this city or county, on or about **09/21/2018** did unlawfully in violation of Section

DATE

**13-17/18.2-387**

Code or Ordinances of this city, county or town: intentionally make an obscene display of the accused's person or private parts in a public place or in a place where others were present.

I, the undersigned, have found probable cause to believe that the Accused committed the offense charged, based on the sworn statements of

**SGT. R.D. JONES MPD**

Complainant.

Execution by summons ☐ permitted at officer's discretion. ☒ not permitted.

**09/21/2018 05:35 AM**

DATE AND TIME ISSUED

*Courtney D. Reid*

☐ CLERK ☒ MAGISTRATE ☐ JUDGE  
Courtney D. Reid

VIRGINIA  
of Martinsville Circuit Court  
Clerk's Office.

Received and Filed this the

**9th** Day of **January** **2019**  
**12:21 P.M.**

Teste: *[Signature]*

**DNA SAMPLE (on file)**

None may be required

*Case  
Appealed  
Please & Remove  
H*

CASE NO. **C18-3138**

ACCUSED:

Hill, Brian David

LAST NAME, FIRST NAME, MIDDLE NAME

310 Forest St Apt 2

ADDRESS/LOCATION

Martinsville, VA 24112

To be completed upon service as Summons

Mailing address ☐ Same as above

RACE	SEX	BORN	HT.	WGT.	EYES	HAIR
		MO. DAY YR.	FT. IN.			
W	M	05/26/1990	6' 00"	150	BLU	BRO

SSN

-0319

DL#

STATE

☐ Commercial Driver's License

**CLASS 1 MISDEMEANOR**

- ☒ EXECUTED by arresting the Accused named above on this day:  
☐ EXECUTED by summoning the Accused named above on this day:  
☐ For legal entities other than individuals, service pursuant to Va. Code § 19.2-76.

**9/21/18**

**0538**

DATE AND TIME OF SERVICE

*R Jones*

ARRESTING OFFICER

**22 MPD 113**

BADGE NO., AGENCY AND JURISDICTION

for

SHERIFF

Attorney for the Accused:

*Pub. Def.*

Short Offense Description (not a legal definition):  
**INDECENT EXPOSURE**

Offense Tracking Number:

**690GM1800003560**

FOR ADMINISTRATIVE USE ONLY

Virginia Crime Code:

**OBS-3713-01**

Hearing Date/Time

**10-05-18**

**3:00 PM**

**12-21-18**

**10:45 AM**

**LOCAL**

The Accused was this day:

☐ tried in absence ☒ present

☒ PROSECUTING ATTORNEY PRESENT (NAME)

☒ DEFENDANT'S ATTORNEY PRESENT (NAME)

☐ NO ATTORNEY ☐ ATTORNEY WAIVED

☐ If convicted, no jail sentence will be imposed

☐ INTERPRETER PRESENT

☐ Certified pursuant to § 19.2-190.1.

Plea of Accused:

☒ not guilty ☐ Witnesses sworn

☐ nolo contendere

☒ guilty ☐ Plea voluntarily and intelligently entered after the defendant was apprised of his right against compulsory self-incrimination and his right to confront the witnesses against him.

☐ Plea and Recommendation

And was TRIED and FOUND by me:

☐ not guilty ☒ guilty as charged

☐ guilty of .....  
VCC .....

☐ facts sufficient to find guilt but defer  
adjudication/disposition to .....

DATE AND TIME  
and place accused on probation, §§ 4.1-305, 18.2-57.3, 18.2-251 or 19.2-303.2.

☐ A separate order for First Offender is  
attached and incorporated in this order.

☐ Costs imposed upon defendant.

DATE

JUDGE

And was FOUND by me to be:

☐ driving a commercial motor vehicle

☐ carrying hazardous materials

☐ I ORDER a nolle prosequi on prosecution's motion

☐ I ORDER the charge dismissed ☐ with prejudice

☐ conditioned upon payment of costs and

☐ successful completion of

☐ traffic school

☐ mature driver school, § 16.1-69.48:1.

☐ accord and satisfaction, § 19.2-151.

☐ under §§ 4.1-305, 18.2-57.3, 18.2-251 or  
19.2-303.2.

☐ Guilty – upon a violation of a term or condition of a  
deferred adjudication/disposition.

I impose the following Disposition:

☐ FINE ☐ CIVIL PENALTY of \$ .....

with \$ ..... suspended

☒ JAIL SENTENCE of 30 days

imposed, ☐ of which ..... days

mandatory minimum, with ..... suspended

for a period of ....., conditioned  
upon being of good behavior, keeping the peace, obeying this  
order and paying fines and costs. Credit is allowed pursuant to  
§ 53.1-187 for time spent in confinement.

☐ Serve jail sentence beginning .....

☐ on weekends only

☐ Work release ☐ authorized if eligible ☐ required

☐ not authorized

☐ Public work force ☐ authorized ☐ not authorized

☐ on PROBATION for .....

☐ VASAP ☐ local community-based probation agency

☐ Monitoring by GPS/other tracking device

☐ DRIVER'S LICENSE suspended for .....

☐ Restricted Driver's License per attached order

☐ Ignition Interlock for .....

☐ RESTITUTION order incorporated

☐ Restitution payment is a condition of suspended  
sentence

☐ COMMUNITY SERVICE ..... hours to be  
completed by .....

and supervised by .....

☐ to be credited against fines and costs

☐ Contact prohibited between defendant and victim/ victim's  
family or household members

☐ Other: .....

☐ Reimburse Commonwealth for investigatory medical fees

☐ Pay \$50 to the Court for Trauma Center Fund

☐ Bail on Appeal \$ .....

☐ Remanded for ☐ CCRE Report ☐ .....

DRIVER'S LICENSE/PRIVILEGE TO DRIVE IN VIRGINIA  
SUSPENDED EFFECTIVE IN 30 DAYS IF FINES, COSTS,  
FORFEITURES, PENALTIES OR RESTITUTION ARE NOT  
PAID. Va. Code § 46.2-395.

DATE

JUDGE

Offense Tracking Number: 690GM1800003560

FINE

LOCALITY

COSTS

223 LIQUIDATED DAMAGES .....

461 FIXED MISD FEE 61-00

462 FIXED DRUG MISD FEE .....

001 INT CRIM CHILD FEE 15-00

113 WITNESS FEE .....

113 IGNITION INTERLOCK .....

113 DUI FEE .....

113 DNR 38-00

233 15-00

121 TRIAL IN ABSENCE FEE .....

133 BLOOD TEST FEE .....

137 TIME TO PAY 10-00

192 TRAUMA CENTER FEE .....

202 WITNESS FEE .....

217 CT. APPT. ATTY 120-00

228 COURTHOUSE .....

CONSTRUCTION FEE

234 JAIL ADMISSION FEE 25-00

243 LOCAL TRAINING .....

ACADEMY FEE

244 COURTHOUSE .....

SECURITY FEE

OTHER (SPECIFY):

241 5.00

TOTAL

\$ 299.00

☐ Stay of the proceedings pursuant to § 16.1-131.1

DATE

JUDGE

2332

# CRIMINAL COMPLAINT

Commonwealth of Virginia

RULES 3A:3 AND 7C:3

Martinsville

CITY OR COUNTY

☒ General District Court

☐ Juvenile and Domestic Relations District Court

Under penalty of perjury, I, the undersigned Complainant swear or affirm that I have reason to believe that the Accused committed a criminal offense, on or about

09/21/2018

in the ☒ City ☐ County ☐ Town

DATE OFFENSE OCCURRED

of Martinsville

I base my belief on the following facts: (Print ALL information clearly.)

On the above date I responded to the area of Pine St. at the steps for the Dick and Willie Trail due to a naked white male that had been seen running on Hooker St from Church St. Officers were in the area of Hooker St and had not located the male. I walked down the steps to the trail where i herd foot steps coming towards me. I could see a person walking on the trail and they stopped. I signed my light on the male and he turned and ran. He was naked except for his shoes and socks. The male had items in his hand when he ran. I chased the suspect off the left side of the trail down a bank and into the creek. I was yelling stop and show me your hands during the chase. When the male was detained he was read Miranda and started talking about a black male in a hoodie made him get naked and take pictures of himself. He was transported to the hospital due to knee pain. While at the Hospital he stated that he was alone when he took the photos of himself and he gave Ofc. Warnick promising to view his camera. On the Camera was several photo of himself naked around the city. He was medically and psychologically cleared. He was arrested for indecent Exposure. Mr. Hill's clothing was located in his bag. All took place in the city.

The statements above are true and accurate to the best of my knowledge and belief.

In making this complaint, I have read and fully understand the following:

By swearing to these facts, I agree to appear in court and testify if a warrant or summons is issued.

The charge in this warrant cannot be dismissed except by the court, even at my request.

Sgt. R. Jones #220

NAME OF COMPLAINANT (LAST, FIRST, MIDDLE)  
(PRINT CLEARLY)

SIGNATURE OF COMPLAINANT

Subscribed and sworn to before me this day.

09/21/2018 05:35 AM

DATE AND TIME

☐ CLERK ☐ MAGISTRATE ☐ JUDGE

x

Courtney D. Reid

## CRIMINAL COMPLAINT

ACCUSED: Name, Description, Address/Location

Hill, Brian David

LAST NAME, FIRST NAME, MIDDLE NAME

310 Forest St Apt 2

Martinsville, VA 24112

COMPLETE DATA BELOW IF KNOWN

RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
		Mo.	DAY	YR.	FT.	IN.			
W	M	05	26	90	6	0	150	BLU	BRN

SSN

-0319

☐ Complainant is not a law-enforcement officer or animal control officer. Authorization prior to issuance of felony arrest warrant given by  
☐ Commonwealth's attorney  
☐ Law-enforcement agency having jurisdiction over alleged offense

NAME OF PERSON AUTHORIZING ISSUANCE OF WARRANT

DATE AND TIME AUTHORIZATION GIVEN

13-17 Indecent Exposure

## UNITED STATES DISTRICT COURT

for the

Western District of Virginia

Brian David Hill

Plaintiff/Petitioner

v.

Commonwealth of Virginia

Defendant/Respondent

Civil Action No.

APPLICATION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS  
(Short Form)

I am a plaintiff or petitioner in this case and declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief requested.

In support of this application, I answer the following questions under penalty of perjury:

1. *If incarcerated.* I am being held at: \_\_\_\_\_.

If employed there, or have an account in the institution, I have attached to this document a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months for any institutional account in my name. I am also submitting a similar statement from any other institution where I was incarcerated during the last six months.

2. *If not incarcerated.* If I am employed, my employer's name and address are:

I am not employed and have never been employed because my only source of income is my Supplemental Security Income (SSI) disability from the Social Security Administration. I am on Supplemental Nutritional Assistance Program (SNAP) EBT benefits, also known as food stamps. I am on Medicaid. I am permanently disabled.

My gross pay or wages are: \$ 0.00 , and my take-home pay or wages are: \$ 0.00 per  
(specify pay period) 0 .

3. *Other Income.* In the past 12 months, I have received income from the following sources (check all that apply):

- |  |   |  |
|--|---|--|
| (a) Business, profession, or other self-employment | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| (b) Rent payments, interest, or dividends          | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| (c) Pension, annuity, or life insurance payments   | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| (d) Disability, or worker's compensation payments  | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| (e) Gifts, or inheritances                         | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| (f) Any other sources                              | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |

If you answered "Yes" to any question above, describe below or on separate pages each source of money and state the amount that you received and what you expect to receive in the future.

I am on Supplemental Security Income (SSI) disability from the Social Security Administration. My monthly income amount due to the Cost of Living Increase, is at \$841.00 a month. My rent is \$500 a month. I have Autism and Obsessive Compulsive Disorder (OCD). The cost of hygiene products which are necessary for living my life are increasing. The cost of living is increasing so I need this money. It is needs based income. Other items which I also need are also getting more expensive.

Clothing costs money whenever I need to buy more clothes. It can be anywhere between \$1-\$100 or more. The special convertible hybrid pants needed to do diabetic insulin shots in my leg cost \$35 each pants. I buy one or two as needed. I also have other things I need to buy for maintaining my health and thwart the carpal tunnel which is being caused by constant involvement in my federal and state criminal cases, typing up pleadings is causing carpal tunnel. Doctors refuse to prescribe Naproxen medication for my carpal tunnel so I am forced to pay for alternative medicine. 2334

4. Amount of money that I have in cash or in a checking or savings account: \$ 95.12 .

5. Any automobile, real estate, stock, bond, security, trust, jewelry, art work, or other financial instrument or thing of value that I own, including any item of value held in someone else's name (*describe the property and its approximate value*):

I own no real estate, I own no automobile. I own no stocks. I own no bonds, I own no jewelry, I own no artwork. I am using used furniture which is owned by Roberta Hill the landlord. I don't own anything that can be of great asset.

6. Any housing, transportation, utilities, or loan payments, or other regular monthly expenses (*describe and provide the amount of the monthly expense*):

\$500 rent and utilities included.

Other expenses include ink, printer paper, envelopes, and postage fees for all legal expenses paid for any pro se legal work I do for my own criminal cases including my Federal criminal case, Federal appeals, Federal 2255 case, state appeals, and state criminal case. The cost of the state appeals has decreased due to Roberta Hill electronically filing my legal pleadings on my behalf. My carpal tunnel pain gets bad due to constant legal filings and dealing with corrupt prosecutors fighting me tooth and nail. It has caused me to have to buy alternative medicine because doctors refuse to prescribe medication for my carpal tunnel and just lecture me about typing up legal pleadings. I don't know what to do.

7. Names (or, if under 18, initials only) of all persons who are dependent on me for support, my relationship with each person, and how much I contribute to their support:

I am the only resident at Apartment 2, 310 Forest street, Martinsville, Virginia 24112. I have nobody depending on me for financial support of any kind. I have no dependents. I have never been married. I have no children.

8. Any debts or financial obligations (*describe the amounts owed and to whom they are payable*):

I do not know, likely in the thousands of dollars because the legal fees and legal debt to the Circuit Court for the City of Martinsville in the Commonwealth of Virginia due to my criminal case keeps increasing the more I fight to prove my innocence in State Court.

Other than the Commonwealth of Virginia and City of Martinsville, I owe money to nobody else other than them. Unless my state conviction is overturned and I am acquitted, I owe them money.

*Declaration:* I declare under penalty of perjury that the above information is true and understand that a false statement may result in a dismissal of my claims.

Date: 06/20/2022

Brian D. Hill  
*Applicant's signature*

Brian David Hill  
*Printed name*

LETTER TO THE HON. GILES CARTER GREER (JUDGE), HON.  
ASHBY R. PRITCHETT (CLERK), ATTORNEY MATTHEW SCOTT  
THOMAS CLERK (INEFFECTIVE LAWYER), AND GLEN ANDREW  
HALL (COMMONWEALTH ATTORNEY)

RE: City of Martinsville, Commonwealth of Virginia v. Brian David Hill;  
case no. CR19000009-00

MONDAY, JUNE 20, 2022  
EDITED: TUESDAY, JUNE 21, 2022

<b><u>ATTN: Hon. Ashby R. Pritchett</u></b> Martinsville Circuit Court 55 West Church Street Martinsville, Virginia 24112 <a href="mailto:apritchett@vacourts.gov">apritchett@vacourts.gov</a>	<b><u>ATTN: Hon. Giles Carter Greer</u></b> Martinsville Circuit Court 55 West Church Street Martinsville, Virginia 24112 <a href="mailto:cgreer@ci.martinsville.va.us">cgreer@ci.martinsville.va.us</a>
<b><u>ATTN: Glen Andrew Hall, Esq.</u></b> Commonwealth's Attorney for the City of Martinsville 55 West Church Street Martinsville, Virginia 24112 <a href="mailto:ahall@ci.martinsville.va.us">ahall@ci.martinsville.va.us</a>	<b><u>ATTN: Matthew S.T. Clark</u></b> Ineffective Attorney 711 B Starling Avenue Martinsville, Virginia 24112 <a href="mailto:matthewstclarklaw@gmail.com">matthewstclarklaw@gmail.com</a>

To Whom it may Concern,

I, Brian David Hill, the criminal defendant in this case will prove as much fraud on the court as possible because the corrupt Commonwealth Attorney Glen Andrew Hall will never admit to defrauding the Court, even when it is clear that it is.

I am aware of things, enough that if I ever prove my theory to this Court, I am likely a dead man, my family are likely going to be targeted.

I rather focus on being acquitted, I want to be acquitted of my wrongful conviction on November 18, 2019, of my indecent exposure charge on September 21, 2018. I deserve it.

However I will bring out my theory to you, because you are the Court of Law.

PAGE 1 OF 5 - LETTER TO JUDGE, CLERK OF CIRCUIT COURT, MATTHEW CLARK

Theory as to why Martinsville Police Department destroyed evidence.

I will attach three pages, the page where medical lab tests were ordered then to be deleted from the chart, and the second page of testimony in Federal Court record where I cuss out police officer Robert Jones of Martinsville Police telling him “*F\*\*k you...At one point I told Sgt. Jones that "you aren't doing anything about the drug dealers in my (in our) neighborhood"...I don't trust the police*”. Citation partially omitted. Document #153, Filed 10/17/18, Page 6 of 11. The third page about me may be drugged at the time.

I am aware that Carbon Monoxide gas poisoning can also be part of intoxication. Had Sovah Health Martinsville, aka the Hospital in the City of Martinsville, had the Hospital conducted the laboratory testing on September 21, 2018 after drawing blood from my vein, they likely would find abnormal levels. Assuming in theory that they did the lab work. Let's say the police did look at the lab work assuming that I was intoxicated on unknown drugs or narcotics because they didn't know about the Carbon Monoxide poisoning and Carbon Monoxide gas exposure since October 5, 2017.

If they did see the lab work they knew that I was intoxicated and that would negate culpability to being found naked in a public place (walking trail) on September 21, 2018. They couldn't charge me with indecent exposure unless they destroy the blood vials and cover up the lab test results. Destroying lab work would be favorable to them.

I am aware of the Doctor's name in question who was at the Emergency Room when I was taken there by Martinsville Police and Officer Robert Jones was there in my Emergency Room bed area. I was in the Emergency Room but I am aware of Robert Jones being there with me. He knew blood vials were drawn, he knew they were for lab work. He knew lab work is normally conducted, admitted so under oath in Fed. Court.

The doctor's name is Dr. Brant Hinchman, DO, (772) 335-4000, License number 0102204592. Osteopathic medicine is based on the idea that all the body's systems are interrelated. Osteopaths focus on treating the whole person. Dr. Hinchman's occupation is Osteopathic Medicine.

Let's say lab testing was done and they assumed I was on some unknown narcotic or substance not knowing about my long term exposure to the Carbon Monoxide gas poisoning, as revealed by expert Pete Compton who is an expert on the gas but not the poisoning. The Martinsville Police, whoever is in on the take of the drug houses and

drug dealers, the drug people in the city of Martinsville, they assumed that somebody may have drugged me. That is also likely why the COVER UP by Martinsville Police.

Case 1:13-cr-00435-TDS, Document #153, Filed 10/17/18, Page 3 of 11:

“At one point I felt like I might collapse so I may have been drugged. I had to keep sitting on benches.”

So it is clear that if the Martinsville Police were informed that I was making statements of being drugged, the lab tests may have been covered up if anybody high up in Martinsville Police Department was in on the take for drug money.

I am not trying to make permanent enemies here in Martinsville. I made that mistake in the town of Mayodan and got framed with child porn because of that.

However, all I am seeking from this Court, from Martinsville Police Department IS MY ACQUITTAL. I need to to be acquitted of indecent exposure because I am innocent. Glen Andrew Hall must acquit me, it is his DUTY.

If the lab test results were not covered up, I would have had a criminal defense of “intoxication”. Lawyer Scott Albrecht could have brought up the intoxication defense.

That essentially leaves two situations where intoxication is a defense in Virginia for most crimes: (1) being surreptitiously intoxicated without your knowledge or (2) consuming a substance as directed by your physician but where the physician mistakenly prescribed the wrong dose. Today, neither of those is an impossible burden.

See <https://wmmlegal.com/intoxication-as-a-defense-in-virginia#:~:text=That%20essentially%20leaves%20two%20situations%20where%20intoxication%20is,Today%2C%20neither%20of%20those%20is%20an%20impossible%20burden>. - Family provided me with this criminal defense link and text.

I am innocent of indecent exposure because I was intoxicated by Carbon Monoxide Poisoning. The police body-camera footage recorded by Officer Robert Jones on September 21, 2018, would have shown signs of me being intoxicated. That was why my statements made to Martinsville Police were never taken seriously and when they said “black man in a hoodie”. It was probably somebody involved with drug or drug dealing that Officer Jones likely assumes threatened me to get naked. Again, not knowing that my real intoxication came from the CARBON MONOXIDE GAS



exposure, long term, prolonged exposure. Poisoning.

I believe the body-camera footage would have shown the jury that I was making statements which did not add up, that any expert would have determined that I was intoxicated. I was intoxicated because of Carbon Monoxide. The police assumed I was likely drugged and was afraid it would implicate one of the protected drug houses. So the lab results were covered up, likely by request from Martinsville Police Department. They also covered up the body-camera footage because it would have shown evidence of me being intoxicated. They were afraid it would implicate somebody they knew.

It is clear to this day that I am innocent of three elements of my criminal charge on September 21, 2018.

- (1) INTENT
- (2) OBSCENITY
- (3) NOT BEING MEDICALLY AND PSYCHOLOGICALLY CLEARED AS ASSUMED BY OFFICER ROBERT JONES UNDER CRIMINAL COMPLAINT

Also if the lab results had not been covered up and destroyed, assuming the police found out about the lab results and wanted them covered up since they would have assumed I was under a substance or drug or narcotic not knowing anything about Carbon Monoxide gas can cause the same thing. They likely assumed it was a drug, not a gas.

When blood work is done and Carbon Monoxide can have effects similar to narcotics, medicines, and street drugs. Martinsville Police would not know this. If somebody is in on the take of the drug dealers in the city of Martinsville, they would want to cover up both the lab results, blood vials, and the body-camera footage.

That is my theory. If I ever fully prove this theory, I am a dead man.

I may be able to prove enough if I am forced to do so. I want to be acquitted.

Like I said, I only desire to be acquitted of indecent exposure. I only desire to demonstrate to this Court that I was not medically and psychologically cleared and that right there would be enough for ACQUITTAL, acquittal due to lack of evidence.

**You can't convict somebody of a weird abnormal behavior of a non-violent crime when that person is not medically cleared and may be intoxicated.**

This Court, the Commonwealth Attorney, I am sure they are all aware of the corruption in Martinsville Police Department. How would you not?

You don't have to keep me convicted of indecent exposure to protect the drug houses and drug dealers here. **You don't need to keep me convicted any longer** because I was not medically cleared. The lab results were covered up, by your hands Glen Andrew Hall or by the hands of Martinsville Police Department high up. You covered up the truth to keep me wrongfully convicted. **I am innocent, I don't want to be a target.**

I am not willing to wait a decade or more until all of you are retired from your careers before I am acquitted of my wrongful conviction. It won't matter at that point. I am innocent, NOW. I AM INNOCENT, NOW.

Please acquit me, NOW. Glen Andrew Hall, I know about the criminal game going on here. **I know about things being covered up. I am not willing to let this go until I am acquitted. I am innocent, you know I am innocent.** You covered up the evidence which would have proven my innocence. The evidence was covered up to protect the drug dealers, the drug houses. **That didn't have to happen. I was under CARBON MONOXIDE GAS poisoning.** I was not on a street drug. **There is nothing that should have been covered up here.**

**Please do not cover up evidence of my innocence to my charge any more.**

Thank You. Respectfully filed with the Circuit Court, this the 21st day of June, 2022.

  
Signed  
Brian D. Hill

God bless you,  
Brian D. Hill

Ally of Q, Former news reporter of U.S.W.G.O. Alternative News  
310 Forest Street, Apartment 2  
Martinsville, Virginia 24112  
(276) 790-3505

**U.S.W.G.O.**

[JusticeForUSWGO.NL](http://JusticeForUSWGO.NL) or [JusticeForUSWGO.wordpress.com](http://JusticeForUSWGO.wordpress.com)



I was able to go the Massanutten Resort from Monday to Thursday last week in Rockingham County, VA, in my district. I think it was between Sept. 10 through 13/2018 if I am correct from memory. My family noticed that I didn't want to go back home. As if something was terrifying in my psychological mind, and I haven't kept my door or doors locked. Around 11 I went walking beside the road on the sidewalk and as I was around a warehouse or some kind of building near or around the Martinsville, VA downtown area ~~area~~ near the hiking trail of "Dick and Willie", I was approached by a man in a hoodie, probably some time between 11 to 12 that night. I think maybe between 5 to 6 feet tall, maybe white told me "You ~~had~~ had better take your clothes off in public and take pictures of yourself and place the SD card around the bench ~~water~~ after the bridge..." "or ~~they~~ they would kill my mom Roberta Hill". At one point I felt like I might collapse so I may have been drugged. I had to keep sitting on benches. I didn't want my mother to be killed. My weakness is my Mother. I gave a false confession in 2012 because of being told "You better fess up or else your mother would be held responsible." Whoever threatened me that night knew my weakness. If I walk to the police or don't do what that man said would my mom be shot full of holes while sleeping and killed?

be



I was being charged with "indecent exposure".  
I further told Sgt. R.D. Jones that I was going to win the jury trial and sue him for violating the ADA. Argument escalated to me saying to him "f\*ck You". At one point things cooled down and I was in a room with a Magistrate. She, the Magistrate, brought up about my federal criminal conviction and my 2015 probation violation. I explained to her that the case is under a habeas corpus 2255 review for my claim of "actual innocence" or something to that effect. She assumed that it was some kind of an appeal. Told her that the probation violation was over U.S. Probation Officer Kristy L. Burton making false statements, which is perjury and may have mentioned that Anand Prakash Ramaswamy committed subornation of perjury, gave her the federal case number. Also mentioned about fraud on the court. I was given no bond that day. Was charged in Martinsville General District Court, case no. C18-3138. It might be named as Commonwealth of Virginia v. Brian David Hill. At one point I told Sgt. Jones that "you are not doing anything about the drug dealers in my (or our) neighborhood" that the FBI are not doing anything about the threats, I don't trust the police.

(5) On September 26, 2018, I had filed a request form for the jail directing that it be forwarded to MPD Sgt. R.D. Jones with more statements incl. a Declaration as evidence.

2

Ramey, Nicole  
Bouldin, Lauren, RN  
Reynolds, Daniel R

nmr  
RN lbl  
RN dr

Corrections: (The following items were deleted from the chart)

09/21  
04:48 09/21 04:16 COMPREHENSIVE METABOLIC PANEL+LAB ordered. EDMS  
09/21  
04:48 09/21 04:16 COMPLETE BLD COUNT W/AUTO DIFF+LAB ordered. EDMS  
09/21  
04:49 09/21 04:16 CPK, TOTAL+LAB ordered. EDMS  
09/21  
04:50 09/21 04:16 ALCOHOL, ETHYL+LAB ordered. EDMS  
09/21  
04:50 09/21 04:16 STAT OVERDOSE PANEL+LAB ordered. EDMS  
09/21  
04:52 09/21 04:52 09/21/2018 04:52 Discharged to Jail/Police. Impression: bdh  
Abrasion, right knee; Abrasion of unspecified front wall of thorax.  
Condition is Stable. Discharge Instructions: Medication  
Reconciliation. Follow up: Private Physician; When: Tomorrow; Reason:  
Further diagnostic work-up, Recheck today's complaints, Continuance  
of care. Follow up: Emergency Department; When: As needed; Reason:  
Fever > 102 F, Trouble breathing, Worsening of condition. Problem is  
new. Symptoms have improved. bdh  
09/21  
04:54 09/21 04:16 URINALYSIS W/REFLEX TO CULTURE+LAB ordered. EDMS  
EDMS

\*\*\*\*\*



BRIAN WAS IN BAD SHAPE THAT NIGHT. WE (BRIAN'S MOM & BOTH GRANDPARENTS) WERE THERE IN THE MARTINSVILLE COURT DECEMBER. 2018 AND WHAT WE SAW WAS THAT HIS DISABLED COURT APPOINTED ATTORNEY DID VERY LITTLE TO HELP BRIAN. BRIAN HAD NO SUPPORTS THERE FOR HIS DISABILITIES EVEN THOUGH WE MADE IT CLEAR FROM THE BEGINNING ALL OF HIS DISABILITIES. WE WATCHED AS GLEN ANDREW HALL MADE FUN OF OUR GRANDSON & HIS DISABLED ATTORNEY, THEN HE TOOK 8 x 10 PHOTOS OF OUR GRANDSON IN THE NUDE TO SHOW ALL OF THE AUDIENCE WHICH INCLUDED US. WE TURNED OUR HEADS & REFUSED TO SEE THEM. THAT WAS HORRIBLE! THEN THE JUDGE SAID THAT BRIAN WAS GUILTY! GUILTY OF WHAT? GUILTY OF HAVING AUTISM? GUILTY OF BEING EXPOSED TO CARBON MONOXIDE FOR ABOUT A YEAR? GUILTY OF BEING SET UP, AND PROBABLY DRUGGED? GUILTY BECAUSE THE POLICE DID NOT DO AN INVESTIGATION? AND GUILTY BECAUSE THE HOSPITAL WERE NEGLIGENT IN THEIR DUTIES? GUILTY BECAUSE THE POLICE IGNORED HIM & HIS FAMILY AND MADE SURE THE BODY CAM WOULD NOT BE THERE? THE MORE I CHECK INTO THIS, THE ANGRIER I BECOME (BRIAN HILL'S GRANDMOTHER, STELLA FORINASH) 1/26/2022 AT 4 IN THE MORNING.

### THE FOLLOWING ITEMS WERE DELETED FROM THE CHART. WHY?

MM00370912  
ED Physician Record - Electronic - Page 3/4

MM7806761243

SOVAH Health - Martinsville

Job 23328 (05/17/2019 13:34) - Page 6 Doc# 2

Ramey, Nicole  
Bouldin, Lauren, RN  
Reynolds, Daniel R

nmr  
RN lbl  
RN dr

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09/21					
04:48	09/21	04:16	COMPLETE BLD COUNT W/AUTO DIFF+LAB ordered.	EDMS	EDMS
09/21					
04:49	09/21	04:16	CPK, TOTAL+LAB ordered.	EDMS	EDMS
09/21					
04:50	09/21	04:16	ALCOHOL, ETHYL+LAB ordered.	EDMS	EDMS
09/21					
04:50	09/21	04:16	STAT OVERDOSE PANEL+LAB ordered.	EDMS	EDMS
09/21					
04:52	09/21	04:52	09/21/2018 04:52 Discharged to Jail/Police. Impression:	bdh	
Abrasion, right knee; Abrasion of unspecified front wall of thorax.					
Condition is Stable. Discharge Instructions: Medication					
Reconciliation. Follow up: Private Physician; When: Tomorrow; Reason:					
Further diagnostic work-up, Recheck today's complaints, Continuance					
of care. Follow up: Emergency Department; When: As needed; Reason:					
Fever > 102 F, Trouble breathing, Worsening of condition. Problem is					
new. Symptoms have improved. bdh					

## Terry Morton

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**From:** Ashby Pritchett <apritchett@vacourts.gov>  
**Sent:** Monday, August 29, 2022 9:31 AM  
**To:** Terry Morton  
**Subject:** FW: Martinsville Circuit Court, Motion for Judgment of Acquittal or New Trial, Litigation hold letter, Motion requesting response, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill  
**Attachments:** motion-requesting-response-new-trial-acquittal-August-28-2022.pdf

**CAUTION:** This email originated outside the City of Martinsville's email system.  
Do not click links or open attachments unless you recognize the sender and know the content is safe.

Terry,  
New filing from Brian Hill.  
I suggest you download the attached PDF, transfer it into CIS under his criminal file after indexing it in CCMS.  
Then inform Judge Greer of a new filing.  
Ashby

**From:** ROBERTA HILL <rbhill67@comcast.net>  
**Sent:** Sunday, August 28, 2022 6:17 AM  
**To:** Hon. Ashby R. Pritchett, Clerk of the Court <APritchett@courts.state.va.us>; Martinsville City Commonwealth's Attorney <ahall@ci.martinsville.va.us>; nsherman@ci.martinsville.va.us; OAG Criminal Litigation (oagcriminallitigation@oag.state.va.us) <oagcriminallitigation@oag.state.va.us>; Coen, Chris <ccoen@oag.state.va.us>; jnunn@ci.martinsville.va.us; Ashby Pritchett <apritchett@vacourts.gov>  
**Cc:** Ken & Stella Forinash <kenstella@comcast.net>; kenstella2005@comcast.net; stanleybolten@justiceforuswgo.nl  
**Subject:** Martinsville Circuit Court, Motion for Judgment of Acquittal or New Trial, Litigation hold letter, Motion requesting response, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill  
**Importance:** High

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### EXTERNAL EMAIL

THIS MESSAGE ORIGINATED FROM AN EXTERNAL ADDRESS. USE CAUTION CLICKING ON ANY LINKS OR DOWNLOADING ANY ATTACHMENTS

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Clerk of Circuit Court for the City of Martinsville,  
CC: Glen Andrew Hall, Esquire.

I am Roberta Hill, Brian's mother. I am filing this Motion for Judgment of Acquittal or New Trial based upon new evidence, Motion requesting response from Commonwealth Attorney, and litigation hold letter regarding culprit Jacody Cassell of The Chimney Sweep who poisoned my son with carbon monoxide gas poisoning from October 5, 2017 until he left the home and was arrested. It is all being filed through email to you on Brian's behalf due to his federal probation conditions where he is not allowed to use the internet. He is having me file this pleading on his behalf. My son is having me to serve the respondents through email as well and the certificate of service is in the last page of the PDF file. This email is also being sent to the Respondents to serve them a copy of this pleading, and may also be faxed as well by Brian D. Hill in the event that email may fail.

The new evidence of billing record, other records not previously been filed, it is too big for email and so links are provided to pleadings for the Clerk and Respondents to download.

**Please Clerk download the linked pdf document filings and the Court will have the evidence that my son is not guilty of indecent exposure and cannot be convicted anymore.**

motion-requesting-response-new-trial-acquittal-August-28-2022.pdf is attached in email  
motion-new-trial-acquittal-August-28-2022.pdf -  
<https://justiceforuswgo.files.wordpress.com/2022/08/motion-new-trial-acquittal-august-28-2022.pdf>  
Litigation-hold-letter-additional-evidence.pdf -  
<https://justiceforuswgo.files.wordpress.com/2022/08/litigation-hold-letter-additional-evidence.pdf>

**Motion contains 28 exhibits. New transcripts not previously made known to Court. Has complete evidence that Officer Robert Jones had an erroneous belief that my son was medically and psychologically cleared. That is not true, beliefs do not make it true. Robert Jones did not tell the truth but told his belief that my son was medically cleared. He was not proven medically cleared. The evidence proven he was not medically cleared. Government agency investigation is going on, evidence given to the investigator about the corrupt doctor who covered up evidence. You have no right to impede or interfere with or obstruct this investigation. Glen Andrew Hall knows the law, as corrupt as he is; getting away with breaking laws right and left. Such as destruction of body-camera footage and three times contempt of court. He knows the law.**

**Brian Hill will be asking for legal aid to file a lawsuit against Glen Andrew Hall, Esq. if he does not concede defeat. A civil rights lawsuit.**

**Litigation hold letter is regarding the culprit Jacody Cassell, The Chimney Sweep business entity in Rocky Mount, VA. They are responsible for poisoning my son Brian David Hill with carbon monoxide gas. They started the poisoning on October 5, 2017. Brian D. Hill filed a complaint with the Office of Attorney General of Virginia against The Chimney Sweep and Jacody Cassell responded through his lawyer Eric Ferguson of Rocky Mount. The dispute resolution unit was lied to by Mr. Cassell. They claimed they never gave an estimate and never conducted the service, have no records of the chimney work done. We received a signed \$300 photocopy of the check from TRUIST bank cashed in by Cassell in his own handwriting. We have proven that he through his attorney Eric Ferguson lied to the dispute resolution unit, Attorney General Office. Jacody Cassell through his attorney lied to the Attorney General in response to my son claiming in complaint that The Chimney Sweep caused his indecent exposure by placing metal tin on top of the chimney flues causing carbon monoxide gas to flow into Brian's apartment from October 5, 2017, until he left home and was arrested on September 21, 2018. I was continually exposed to the gas until Pete Compton removed the metal tin on top of the chimney flue. Here is the culprit if it is a crime to almost kill somebody with carbon monoxide gas. The culprit is Jacody Cassell. He should be prosecuted, Glen Andrew Hall. Cassell is responsible for my son acting weird and getting naked on a walking trail after wandering away from home and was arrested on September 21, 2018. Cassell or his business employee caused long term carbon monoxide gas damage and exposure. He claimed he had no records of the chimney work done, and he owns a licensed business but kept no records, defrauded the dispute resolution unit of Attorney General. Jacody is the culprit for the carbon monoxide. I have phone records proving his business cell phone number was in contact with me, phone call logs can be authenticated by Attorney General and State Police if necessary. You have your culprit of what led up to the indecent exposure. Please charge Jacody Cassell. Thank You!**



To Clerk: Please confirm by read receipt or response message confirming that you have received this. There is a lot of evidence that the Hon. Giles Carter Greer must review to understand that my son is legally innocent and is entitled to acquittal. Thank You!

**Note: If you see any criminal activity or corruption going on in the Legal System or in Government, please report these tips to Project Veritas at [VeritasTips@protonmail.com](mailto:VeritasTips@protonmail.com), or go to Project Veritas website.**

Roberta Hill (representative for electronic filing)  
310 Forest Street, Apartment 1  
Martinsville, Virginia 24112

Motion for Judgment of Acquittal, case no. CR19000009-00, Circuit Court for the City of Martinsville  
Commonwealth of Virginia, City of Martinsville v. Brian David Hill

Defendant:  
Brian David Hill  
310 Forest Street, Apartment 2  
Martinsville, Virginia 24112

Thanks,  
Roberta

**VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE**

**COMMONWEALTH OF VIRGINIA,  
CITY OF MARTINSVILLE,  
PLAINTIFF(s),**

**v.**

**BRIAN DAVID HILL,  
DEFENDANT.**

**CASE NO: CR19000009-00**

**MOTION REQUESTING  
COMMONWEALTH ATTORNEY  
RESPOND TO MOTION FOR JUDGMENT  
OF ACQUITTAL OR NEW TRIAL  
PURSUANT TO RULE 3A:15 BASED  
UPON NEW EVIDENCE WHICH  
DISPROVES THE ELEMENTS OF  
CHARGED CRIME BY PROSECUTION,  
EVIDENCE WARRANTING NEW TRIAL  
OR ACQUITTAL**

**MOTION REQUESTING COMMONWEALTH ATTORNEY RESPOND  
TO MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL  
PURSUANT TO RULE 3A:15 BASED UPON NEW EVIDENCE  
WHICH DISPROVES THE ELEMENTS OF CHARGED CRIME BY  
PROSECUTION, EVIDENCE WARRANTING NEW TRIAL OR  
ACQUITTAL**

Respectfully submitted with the Court,

This the 28th day of August, 2022.

*Brian D. Hill*  
*Signed*

**Brian D. Hill**

**Brian D. Hill  
Defendant**

**Former news reporter of U.S.W.G.O. Alternative News  
Ally of Q**

**310 Forest Street, Apartment 2  
Martinsville, Virginia 24112  
(276) 790-3505**

**U.S.W.G.O.**

**JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com**



## **SUMMARY**

COMES NOW the Defendant, BRIAN DAVID HILL (“Defendant”), by and through himself pro se, and moves this Honorable Court for the following, requesting that the Court enter an order directing the Commonwealth Attorney Glen Andrew Hall (City of Martinsville, Commonwealth of Virginia) to respond within 1 month or longer to the accompanying “MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED UPON NEW EVIDENCE WHICH DISPROVES THE ELEMENTS OF CHARGED CRIME BY PROSECUTION, EVIDENCE WARRANTING NEW TRIAL OR ACQUITTAL”. Defendant requests that they respond before the Circuit Court renders a final decision on that pending motion. The reasons are specified in the “MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED UPON NEW EVIDENCE WHICH DISPROVES THE ELEMENTS OF CHARGED CRIME BY PROSECUTION, EVIDENCE WARRANTING NEW TRIAL OR ACQUITTAL”. Defendant is entitled to a response from the Commonwealth Attorney over this 3rd motion for new trial or judgment of acquittal. This Court is entitled to a response from the Commonwealth Attorney over this 3rd motion for new trial or judgment of acquittal. Since the evidence disproves the elements of the charged crime. A conviction cannot be

sustained. Therefore, Defendant requests that the Court order a response from the Commonwealth Attorney.

**REQUEST FOR COURT TO PROVIDE EQUITABLE RELIEF AND ANY  
OTHER RELIEF**

Therefore, the Defendant prays that this Honorable Court order the following:

1. That the Circuit Court order Commonwealth Attorney Glen Andrew Hall to respond to the Defendant's recently filed and pending "MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED UPON NEW EVIDENCE WHICH DISPROVES THE ELEMENTS OF CHARGED CRIME BY PROSECUTION, EVIDENCE WARRANTING NEW TRIAL OR ACQUITTAL";
2. That the Circuit Court give the Commonwealth Attorney at least 30 days or longer to file a written response to the Defendant's "MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED UPON NEW EVIDENCE WHICH DISPROVES THE ELEMENTS OF CHARGED CRIME BY PROSECUTION, EVIDENCE WARRANTING NEW TRIAL OR ACQUITTAL";
3. That the Circuit Court consider providing any other relief or remedy that is just and proper, in the proper administration of justice and integrity for the Court.

Respectfully submitted with the Court, This  
the 28th day of August, 2022.

Brian D. Hill  
*Signed*

**Brian D. Hill**

Brian D. Hill  
Defendant

Former news reporter of U.S.W.G.O. Alternative News  
Ally of Q

310 Forest Street, Apartment 2  
Martinsville, Virginia 24112  
(276) 790-3505

**U.S.W.G.O.**

JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com



### **CERTIFICATE OF SERVICE, CERTIFICATE OF FILING**

I hereby certify that a true and accurate copy of the foregoing Motion was faxed or  
emailed/transmitted by my Assistant Roberta Hill at [rbhill67@comcast.net](mailto:rbhill67@comcast.net) (due to  
Probation Conditions of not being allowed to use the Internet) or delivered this 28th day  
of August, 2022, to the following parties:

1. Commonwealth of Virginia
2. City of Martinsville

by having representative Roberta Hill filing his pleading on his behalf with the Court, through email address [rbhill67@comcast.net](mailto:rbhill67@comcast.net), transmit/faxed a copy of this pleading to the following attorneys who represent the above parties to the case:

Glen Andrew Hall, Esq. Commonwealth Attorney's Office for the City of Martinsville 55 West Church Street P.O. Box 1311 Martinsville, Virginia 24114/24112 Attorney for the Commonwealth Phone: (276) 403-5470 Fax: (276) 403-5478 Email: <a href="mailto:ahall@ci.martinsville.va.us">ahall@ci.martinsville.va.us</a>	Hon. Ashby R. Pritchett, Clerk of the Court Circuit Court for the City of Martinsville Phone: 276-403-5106 Fax: 276-403-5232 55 West Church Street, Room 205 P.O. Box 1206 Martinsville, VA 24114 Email: <a href="mailto:apritchett@vacourts.gov">apritchett@vacourts.gov</a>
--	--

The reason why Brian David Hill must use such a representative to serve such pleading with the Clerk on his behalf is because Brian is currently still under the conditions of Supervised Release for the U.S. District Court barring internet usage without permission. Brian's Probation Officer is aware of Roberta Hill using her email for conducting court business concerning Brian Hill or court business with the Probation Office in regards to Brian David Hill. Therefore Roberta Hill is filing the pleading on Brian's behalf for official court business. Brian has authorized her to file the pleading. All exhibits or any exhibits with anything printed from any internet based service was printed and researched by Roberta Hill.

That should satisfy the Certificate of Service regarding letters/pleadings during the ongoing Covid-19 pandemic. If the Court wishes to contact the filer over any issues or concerns, please feel free to contact the filer Brian David Hill directly by telephone or by mailing. They can also contact c / o Roberta Hill at [rbhill67@comcast.net](mailto:rbhill67@comcast.net) and request that she forward the message and any documents or attachments to Brian David Hill to view offline for his review.

Brian D. Hill  
*Signed*  
2352  
Brian D. Hill

**U.S.W.G.O.**



Brian D. Hill

Defendant

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

(276) 790-3505

JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com

## Terry Morton

---

**From:** DigitalRecordsSystem@vacourts.gov  
**Sent:** Wednesday, August 31, 2022 7:01 AM  
**To:** Terry Morton; Ashby Pritchett  
**Subject:** Digital Appeal Record for Brian David Hill has been submitted

**CAUTION:** This email originated outside the City of Martinsville's email system.  
Do not click links or open attachments unless you recognize the sender and know the content is safe.

Your Digital Appeal Record for Brian David Hill has been successfully submitted to the Court of Appeals of Virginia (CAV) on Wednesday, August 31, 2022, at 07:00:39 AM.

Digital Appeal Record details:

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Submitter Notes: Please see the email and attached motion. The links have not been downloaded, but are there for viewing if necessary.



**VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE**

**COMMONWEALTH OF VIRGINIA,  
CITY OF MARTINSVILLE,  
PLAINTIFF(s),**

**v.**

**BRIAN DAVID HILL,  
DEFENDANT.**

CASE NO: CR19000009-00

MOTION FOR JUDGMENT OF  
ACQUITTAL OR NEW TRIAL PURSUANT  
TO Rule 3A:15 BASED UPON NEW  
EVIDENCE WHICH DISPROVES THE  
ELEMENTS OF CHARGED CRIME BY  
PROSECUTION, EVIDENCE  
WARRANTING NEW TRIAL OR  
ACQUITTAL

**MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL  
PURSUANT TO RULE 3A:15 BASED UPON NEW EVIDENCE  
WHICH DISPROVES THE ELEMENTS OF CHARGED CRIME BY  
PROSECUTION, EVIDENCE WARRANTING NEW TRIAL OR  
ACQUITTAL**

Respectfully submitted with the Court,

This the 28th day of August, 2022.

*Brian D. Hill*  
*Signed*

Brian D. Hill

Brian D. Hill

Defendant

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

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**COVER PAGE**

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**SUMMARY**

COMES NOW the Defendant, BRIAN DAVID HILL (“Defendant”), by and through himself pro se, and moves this Honorable Court for the following, for judgment of acquittal or a New Trial pursuant to **Virginia Rules of the Sup. Ct. 3A:15** based upon new evidence not previously submitted to this court, and new evidence not previously known to this Court which disproves the elements of guilt presented by Martinsville Police Department in its original charge on September 21, 2018 (See **Exhibit 0**, Copy of Arrest Warrant and Criminal Complaint in original General District Court charge), prosecuted by both the City of Martinsville and Commonwealth of Virginia, the Plaintiffs’.

**This Motion is pursuant to Virginia Rules of the Sup. Ct. 3A:15;** Virginia Code § 19.2-271.6, as well as the Supreme Court of Virginia case law authorities of Commonwealth v. Tweed, 264 Va. 524, 570 S.E.2d 797 (Va. 2002), (the “Tweed standard”), and *Odum v. Commonwealth*, 225 Va. 123, 301 S.E.2d 145 (Va. 1983), (the “Odum standard”). This Court does have lawful jurisdiction and authority to act on this motion, provide an evidentiary hearing to both parties, request the

Commonwealth Attorney to respond to the motion, and then this Court can come to a conclusion whether Defendant's request for a new trial should be granted or his request for a judgment of acquittal should be granted in lieu of new trial if the Court finds the new evidence sufficient to disprove enough elements of the Commonwealth's criminal prosecution that no criminal conviction can be sustained, that no criminal conviction can stand even with a trial by jury. The burden of evidence for a judgment of acquittal is likely higher of a standard and burden than the burden of proof standard for requesting a new trial.

Odum standard: *Odum v. Commonwealth*, 225 Va. 123, 124 (Va. 1983) ("1. Motions for new trials based on after-discovered evidence are within the discretion of the Trial Judge, are not favored, are considered carefully and cautiously, and are reluctantly awarded. 2. The movant for a new trial for after-discovered evidence bears the burden to prove the evidence (a) was discovered after trial, (b) could not have been discovered earlier by reasonable diligence, (c) is not merely cumulative, corroborative or collateral, and (d) is material and should produce opposite results on new trial.").

Tweed standard: *Commonwealth v. Tweed*, 264 Va. 524, (Va. 2002) ("2. Motions for new trials based on after-discovered evidence are addressed to the sound discretion of the trial judge, are not looked upon with favor, are considered with special care and caution, and are awarded with great reluctance. 3. A party

who seeks a new trial based upon after-discovered evidence bears the burden to establish that the evidence (1) appears to have been discovered subsequent to the trial; (2) could not have been secured for use at the trial in the exercise of reasonable diligence by the movant; (3) is not merely cumulative, corroborative, or collateral; and (4) **is material, and such as should produce opposite results on the merits at another trial.** The litigant must establish each of these mandatory criteria.”)

With the new evidence Exhibits 1-28, pages 317 attached thereto this motion, any reasonable juror would find Brian David Hill not guilty beyond a reasonable doubt and a rational trier of fact will even find him not guilty upon preponderance of the evidence, even under the preponderance of the evidence standard.

See **Exhibit 0** ARREST WARRANT and CRIMINAL COMPLAINT for the basis of the originating arrest and criminal complaint against Brian David Hill, dated September 21, 2018, in the General District Court.

EXHIBIT INDEX PAGE 2 OF 317 of **Exhibit 0**, ARREST WARRANT said in the originating charge that Defendant was charged with: “intentionally make an obscene display of the accused's person or private parts in a public place or in a place where others were present.”

EXHIBIT INDEX PAGE 4 OF 317 of CRIMINAL COMPLAINT said in the originating charge that Defendant was: “was medically and psychologically

cleared.” Charged by Officer Robert Jones of Martinsville Police Department aka City of Martinsville and Commonwealth of Virginia.

The criminal complaint and arrest warrant has three elements which can be disproven. Brian David Hill never plead guilty even when filing a motion to withdraw appeal. See **EXHIBIT 15**, a copy of the Trial Court’s record of:

“ORDER IN MISDEMEANOR OR TRAFFIC INFRACTION PROCEEDING”.

EXHIBIT INDEX PAGE 137 OF 317. See stricken words marked out: “DEF

~~CHANGED HIS PLEA TO GUILTY AND~~ AFFIRMED JUDG GDC, PAY

COURT COSTS.”. The court did not consider withdrawing appeal a guilty plea.

Defendant is still entitled to his rights to new trial or judgment of acquittal.

Under both the Virginia Constitutional law and United States Constitutional law and what it requires for all criminal cases, regardless of whether the charge is a misdemeanor or felony, all criminal defendants are presumed innocent until proven guilty and must be proven guilty beyond a reasonable doubt. This includes the requirement that ALL ELEMENTS of a crime which is charged against an innocent person must be proven beyond a reasonable doubt to the satisfaction of a trier of fact or triers of fact before a criminal conviction can be sustained and made final.

Yes, Defendant did withdrawn his appeal, see **Exhibit 16**, EXHIBIT INDEX PAGES 138 through 150, but he did preserve his Constitutional and legal rights to challenge his criminal charge and conviction collaterally or in any other way with

future evidence acquired. He did preserve his right to prove his actual innocence, that was why the Honorable Giles Carter Greer or his clerk marked out (stricken from the record) that Defendant plead guilty because the Defendant did not plead guilty but simply entered an Alford Plea, and an Alford Plea can later be contested if new evidence surfaces which proved that the criminal conviction was erroneous because the prosecution was done in error. Defendant entered an Alford Plea in the Circuit Court when he had withdrawn his appeal. He maintained his innocence but at the time accepted that he could have been convicted at jury trial in November, 2019. Now with new evidence and changes of Virginia law regarding admissibility of evidence, Defendant is confident he can be found not guilty by a jury of his peers. New trial is warranted here.

### **ELEMENTS OF CRIMINAL OFFENSE DISPROVEN**

Here are the elements which can be disproven upon a rational trier of fact even with the Plaintiffs' nude photographs of Brian David Hill that the prosecution has at their side of the criminal case since the Trial in General District Court:

1. Element 1: Brian Hill was not medically cleared and was not psychologically cleared. Citation: EXHIBIT INDEX PAGE 4 OF 317 of CRIMINAL COMPLAINT said in the originating charge that Defendant was: "was medically and psychologically cleared."  
(**EXHIBIT 0**, EXHIBIT INDEX PAGE 4 OF 317)



2. Element 2: Intent is necessary to convict Defendant of the charged crime in ARREST WARRANT which claimed Defendant had:  
“intentionally make an obscene display of the accused's person or private parts in a public place or in a place where others were present.”  
**(EXHIBIT 0, EXHIBIT INDEX PAGE 2 OF 317)**
3. Element 3: Obscenity is necessary to convict Defendant of the charged crime in ARREST WARRANT which claimed Defendant had:  
“intentionally make an obscene display of the accused's person or private parts in a public place or in a place where others were present.”  
**(EXHIBIT 0, EXHIBIT INDEX PAGE 2 OF 317)** – Note: Because Brian Hill was not medically cleared as previously assumed by Martinsville Police, obscenity cannot be proven until there is 100% undeniable proof that Brian David Hill was medically cleared and psychologically cleared before he was arrested for indecent exposure.

This motion, the attached exhibits, and its STATEMENT OF THE FACTS will also prove fraud on the court and/or factual innocence to at least one or more elements of the charged crime, as the very fraud aka the elements of guilt is based upon the element of: “He was medically and psychologically cleared.” Upon proving to this Court that Defendant was not medically and psychologically cleared as previously asserted by the City of Martinsville and Commonwealth of Virginia,

it draws every element of guilt into jeopardy except the fact that Brian David Hill was found naked at night in arguably and allegedly in a public place which was a deserted walking trail with nobody on that trail, and only one vehicle went by Hooker Street (same name as Hooker furniture company) as the CRIMINAL COMPLAINT affidavit had said somebody saw a: “naked white male that had been seen running on Hooker St from Church St.”. Not trying to stand by and display genitals, only seeing a naked man running. When somebody naked is only seen running and never masturbating, there is no obscenity in any regard. There is no evidence of a purpose for appealing to the prurient interest in sex in the entire incident. The officer Robert Jones of Martinsville Police Department who also did not identify himself simply turned on a flashlight and Defendant ran away, also showing that Defendant did not attempt to masturbate and did not ever attempt to engage in sexual gratification. As Defendant is proving in this motion that he was not medically and psychologically cleared, and so by proving that he was not medically and psychologically cleared, all three elements are disproven and a conviction cannot be sustained. **It would be an error of fact, error of law, and an abuse of discretion to convict Brian David Hill of this crime after the Circuit Court reviews over this motion, it's STATEMENT OF THE FACTS, it's exhibits, it's case law and legal arguments, and review over the merit of the arguments.** The Commonwealth is free to respond to this motion and they should

respond to this motion. The conviction should be overturned, the charge should be thrown out or a new trial must be had. Defendant requests a new trial or judgment of acquittal under the Tweed Standard and Odum Standard, or any other standard which can be applied under the authorities of the Supreme Court of Virginia.

The request for judgment of acquittal or new trial is for criminal case no. CR19000009-00; charge of violating Virginia Code § 18.2-387. Indecent exposure dated September 21, 2018; and the criminal conviction judgment which was rendered on November 18, 2019. See **Exhibit 0** for the original Arrest Warrant and Criminal Complaint. See **Exhibit 15**, EXHIBIT INDEX PAGE 137 OF 317 for the “ORDER IN MISDEMEANOR OR TRAFFIC INFRACTION PROCEEDING”, the judgment of conviction for the charged crime.

Defendant requests in this motion that the Court consider all new **STATEMENT OF FACTS, EXHIBITS, and arguments in this motion** concerning new facts of not being medically and psychologically cleared as previously assumed by law enforcement which were not known at the time of the criminal conviction and would also be spoliation of evidence by the Commonwealth and/or by Sovah Health Martinsville and/or by Martinsville Police Department. These STATEMENT OF FACTS warrant a judgment of acquittal, or a New Trial, or an evidentiary hearing to make a determination on the new facts and allow both sides to present additional arguments, and responses or any additional

evidence to the Court; present any witnesses for direct examination and cross examination; and make a determination if Defendant had made a requisite showing of being innocent of multiple essential elements of the charged crime, meaning that the Virginia law and Local Law was never violated on September 21, 2018. This proves that a conviction cannot be sustained with the new evidence as a matter of law. Defendant kindly and respectfully asks that the Honorable Giles Carter Greer review over all evidence, exhibits, and arguments in this motion and not ignore it. Please do not ignore any of this, Defendant has the evidence Brian David Hill is innocent and the judgment of acquittal or new trial is warranted.

### **STATEMENT OF FACTS**

The Statement of Facts is hereby presented to the Circuit Court for Martinsville based on the following new pieces of evidence:

**Element 1: Brian Hill was not medically cleared and was not psychologically cleared.**  
**Citation: EXHIBIT INDEX PAGE 4 OF 317 of CRIMINAL COMPLAINT said in the originating charge that Defendant was: “was medically and psychologically cleared.” (EXHIBIT 0, EXHIBIT INDEX PAGE 2 OF 317)**

This STATEMENT OF THE FACTS contains 53 paragraphs, pages 12-47)

1. See **Exhibit 1**, a 6-page letter (EXHIBIT INDEX PAGES 6 through 11) regarding the fact that Brian Hill’s behavior was a medical emergency and not a

criminal act. Entitled: “A MEDICAL EMERGENCY NOT CRIMINAL by BRIAN HILL’S FAMILY (7-16-2022)”. This statement of the fact is regarding a letter and report prepared by Stella and Kenneth Forinash who are also citizens of the City of Martinsville. They believe it was a medical emergency and not a criminal act based on the evidence, questions, and issues in the criminal case since the very beginning.

2. When Officer Robert Jones told the General District Court in affidavit, in CRIMINAL COMPLAINT that Defendant was: “was medically and psychologically cleared”, that was not the truth. See **EXHIBIT 0**, EXHIBIT INDEX PAGE 4 OF 317. Defendant has the medical documentation and financial documentation from the local hospital to prove all of it. Even documentation from Virginia Medicaid which is an agency of the Commonwealth.

3. Defendant has evidence that blood was drawn from his arm at the local Hospital (**Exhibit 2**) according to the billing records from Sovah Health Martinsville, aka the “local hospital” which gave Officer Robert Jones the false impression of being medically and psychologically cleared which the Officer Robert Jones stated in his initial charge (**EXHIBIT 0**). According to the first page of **EXHIBIT 2** after the **EXHIBIT 2** page marker, \$66 dollars was charged for usage of a “1 CATH IV”, processing #230633, Medical supply. **EXHIBIT 28** is a scanned photocopy of the mailing envelope of what contained the billing records and was sent by mail by Sovah Health Martinsville, Patient billing department or

whatever it is called. It was sent on July 26, 2022, went through U.S. Postal Service processing through GREENSBORO NC 270 on "27 JUL 2022 PM 4 L" (from time stamped and location stamped notation) and was received on July 29, 2022. The billing records were obtained after request for them made in letter in **EXHIBIT 27**, "LETTER TO SOVAH HEALTH MARTINSVILLE REQUESTING FINANCIAL RECORDS OF BRIAN DAVID HILL, REQUESTING RECORDS OF HIMSELF MONDAY", "JULY 11, 2022".

4. See **Exhibit 3** for the terminology of what CATH IV means in the billing record. **EXHIBIT 3** is sourced from the NATIONAL CANCER INSTITUTE of the National Institute of Health (NIH), an agency of the USA Government, a credible source. It said from the NIH, that a "peripheral venous catheter" is a "device used to draw blood and give treatments, including intravenous fluids, drugs, or blood transfusions. A thin, flexible tube is inserted into a vein, usually in the back of the hand, the lower part of the arm, or the foot. A needle is inserted into a port to draw blood or give fluids. Brian Hill said blood was drawn from his arm in his original 2255 motion." See affidavit filed by Defendant in Document #179, **EXHIBIT 23**, EXHIBIT INDEX PAGES 260 through 288.

5. This Circuit Court does not have a document numbering system like the Federal Courts of the United States of America do where every legal document has a case number, where every pleading has its own unique document number, page

range except for when records are transmitted to Court of Appeals of Virginia, and bottom footer or upper header with each page of date filed for easy citation. So Defendant is filing as **EXHIBIT 17**, a **three page TABLE OF CONTENTS index of all court filings by the Clerk of the Court** from pages 1 – 59 (GD PAPERWORK, 01/09/2019), all the way until pages 2296 – 2296 of this Trial Court’s record (LETTER - TO CT OF APPEALS-ENTIRE FL, 05/25/2022). The judge in this Circuit Court can use the TABLE OF CONTENTS as an index in asking the Clerk to find the appropriate court records cited and documents cited necessarily for arguments in this motion for new trial or judgment of acquittal. This index can also be used for purposes of further citation upon any appeal of granting or denying this motion by Defendant.

6. The claims by Defendant about the blood vials were argued and asserted in pro se motions Defendant had filed prior to filing the motion to withdraw appeal (See court record filing: “MOTION - DISCOVERY”, pages 329 which is page 5 of that particular pleading, filed: 07/26/2019). The billing record proves that the medical equipment or applicator or device was used to have drawn blood from the arm of Defendant at the “local hospital” on the same day but prior to his arrest for the charge of indecent exposure. This is backed by the medical records submitted by Defendant (See **EXHIBIT 18**, Sovah Health Martinsville, Hill, Brian D, Friday, September 21, 2018, 7806761243). See last page of **EXHIBIT 18**, EXHIBIT

INDEX PAGE 163 OF 317, where it said: “Corrections: (The following items were deleted from the chart)” and also said: “ED Physician Record - Electronic - Page 4/4, MM7806761243 SOVAH Health - Martinsville, Job 23328 (05/17/2019 13 34) - Page 7 Doc# 2”. It said different assortment of lab testing was ordered which ordering those specific lab tests would not have happened if blood was never drawn in the first place from Mr. Hill’s arm before his arrest by Martinsville Police.

7. That last page of medical records had said: “The following items were deleted from the chart)”. That means \$66 or more (if any other billed item was also used) was charged to Brian Hill’s account at the local hospital and was likely billed to Medicaid (Medicaid fraud or waste???) for a device or applicator to draw blood, and lab tests were ordered from those blood samples, but then not only were there no completion of ordered laboratory tests but they were to be deleted from the medical chart of the patient, which that patient is Brian David Hill. Lab testing was either covered up for whatever reason or the “local hospital” was negligent. The following lab tests were ordered:

a. 04:48 09/21 04:16 COMPREHENSIVE METABOLIC

PANEL+LAB ordered. EDMS

b. 04:48 09/21 04:16 COMPLETE BLD COUNT W/AUTO

DIFF+LAB ordered. EDMS

c. 04:49 09/21 04:16 CPK, TOTAL+LAB ordered. EDMS



d. 04:50 09/21 04:16 ALCOHOL, ETHYL+LAB ordered. EDMS

e. 04:50 09/21 04:16 STAT OVERDOSE PANEL+LAB ordered.

EDMS

f. 04:54 09/21 04:16 URINALYSIS W/REFLEX TO

CULTURE+LAB ordered. EDMS

8. Again, See **EXHIBIT 1**. Kenneth and Stella Forinash created a 6-page letter to the U.S. District Court and a copy is being filed with this Circuit Court with questions regarding whether this is a medical emergency or a crime. They believe it was very important for the Court and the Commonwealth Attorney to read every page as they also believe Defendant is factually innocent of his charge on September 21, 2018, because of not being medically cleared as assumed by the Officer Robert Jones at the time he charged Defendant. Take a good look at it. This also supports Brian's claim of innocence because what happened to Defendant on September 21, 2018 was not a crime, **IT WAS A MEDICAL EMERGENCY, A MEDICAL EMERGENCY**. No crime had been committed that day because it was a medical emergency. There was no medical clearing because of no laboratory results from ordered tests which would have been essential to proving whether or not Defendant was cleared of any substance, gas, drugs or any medical issue which may have caused the incident on September 21, 2018.

9. Citation from EXHIBIT 1: “A MEDICAL EMERGENCY NOT CRIMINAL by BRIAN HILL’S FAMILY (7-16-2022)... Police receive a call at 4 in the morning. A 28 year old man was running down a walking trail in Martinsville, VA in the nude at 4 AM in the morning. Why? Was he intentionally trying to be obscene or was this an emergency? Police find out that he is on the sex registry and is on probation. He is treated like a criminal, arrested and put in jail. The judge ignores his mom’s testimony about carbon monoxide poisoning in their apartments and how this affected both of them for 11 months at the time of this incident... (1:13-cr-00435) Document 307 Attachments 1-10 Apr. 20, 2022)... Here is a person with autism, brittle diabetes with seizure history and OCD walking & running on a walking trail miles from his home by himself in the nude for hours, is this normal or abnormal behavior? Why did this arresting police officer not know that Brian had diabetes requiring insulin when glucose is high or glucose tabs when it is low? Did he do an investigation? How can a person with a medical history of type 1 diabetes (brittle diabetes) with seizure history since the age of 2, PDD diagnosis since the age of 3, autism spectrum disorder diagnosis since the age of 4 suddenly be “Medically cleared”? Why did this arresting police officer not know that Brian had type 1 diabetes requiring insulin or glucose tabs? Why did he not know that Brian had OCD? Did Brian not tell him? Was

**Brian so far out of it mentally that night that he did not even know that he was diabetic himself? Where was the glucose monitor that Brian always takes with him when he leaves his house to go walking? Where were the emergency glucose tabs that he always keeps in his camera bag when he leaves his house? Where were his insulin pens he always takes with him if his blood glucose is high?"** Citation is just a portion of the six page document but very important.

10. It is a fact that Brian Hill exhibited mental confusion (**EXHIBIT 20**) which was brought up in transcript IN **EXHIBIT 21**, PAGE 33 of that transcript. Citation: "...*Talking with him, the time frame didn't really add up to me at that point.*" That officer did not think Defendant made sense or that his story didn't add up. If Defendant was not medically cleared, then the officer should not have taken Defendant's statements as coherent at face value and should have treated his statements as incoherent such as delirious (**EXHIBIT 7**, EXHIBIT INDEX PAGE 66 OF 317) or psychosis (**EXHIBIT 19**). These statements never should have been accepted by the police at face value and used against Defendant to charge him with indecent exposure. The whole charge was nonsense when they didn't know for a fact whether Defendant Brian Hill was medically cleared or not.

11. The Officer Robert Jones claimed in affidavit that Defendant was medically and psychologically cleared but later admitted under oath in federal court that he did not obtained Defendant's medical records and didn't even know

for a fact that Defendant was diabetic. He didn't even know something as important as Defendant being a type one brittle diabetic at high risk of diabetic seizures, diabetic coma, nerve damage, kidney damage, eye damage, and low blood sugar which can lead to seizure or death. This officer transported Defendant to jail without even knowing Defendant was diabetic. Yeah, that sounds really convincing that Officer claimed Brian Hill was medically cleared but didn't even know Defendant was diabetic at the time of arrest. Don't take my word for it, see the federal filed court transcript for yourself.

12. IN **EXHIBIT 21**, PAGE 34 of that transcript (Q was the questions asked by Attorney Renorda Pryor and A was the answers given by Officer Robert Jones under oath). Citation: "...*Q Did he also tell you that he was a diabetic as well? A I do not recall him telling me that, no. Q Did he tell you that he was also OCD? A Not that I recall.*" Officer did not know Defendant was diabetic but claimed Defendant was medically cleared and psychologically cleared. Not even the hospital told this officer that Defendant was diabetic. *Very stupid and incompetent for Dr. Brant Hinchman to not tell Officer Jones that Defendant was diabetic, a type one diabetic. **That decision could have killed Defendant in custody.***

12. IN **EXHIBIT 21**, PAGE 34 and 35 of that transcript (Q was the questions asked by Attorney Renorda Pryor and A was the answers given by Officer Robert Jones under oath). Citation: "...*Q Okay. Did you get those reports*

*from -- the medical reports? A No, I did not do a subpoena for his hospital records. Q Okay. Did you speak to a doctor or anyone regarding his condition or anything of that nature that night? A We -- other than just checking with him to see if they were going to be releasing him or admitting him, no.”* Did you just read what the officer admitted? He never asked for the medical records or hospital records or anything of that nature. He never asked the doctor if Defendant had any serious medical conditions, like type one brittle diabetes??? The officer was ignorant because he never investigated the medical issues of Defendant, didn’t even know of Defendant’s medical issues. So how exactly is the officer correct in his own claim that Defendant was: “was medically and psychologically cleared.” (**EXHIBIT 0**, EXHIBIT INDEX PAGE 4 OF 317). This does not sound like he was cleared at all. Officer wasn’t aware of anything except being released by the hospital without laboratory tests being completed after being ordered. Sounds like a cover up to me, a cover up or a big medical neglect (Medicaid fraud or waste?) mistake by Dr. Brant Hinchman. Needs to be investigated by State Police.

13. Also the billing record said: “1 IV HYDRATION 1ST HR” was ordered at \$585.00. Brian Hill was dehydrated and needed hydration from the nursing staff at the “local hospital”. Hydration through IV tubes for the 1st hour would not have been billed to Brian Hill’s medical billing account at the “local hospital” at \$585.00 if Defendant was not dehydrated. Dehydration also can lead to becoming

delirious, and can also lead to hallucinations. Not only can carbon monoxide poisoning (**EXHIBIT 22**) cause Defendant to have psychosis (**EXHIBIT 19**) and hallucinations (See pages 160 and 161 of Circuit Court records, received by Clerk, Hon. Ashby R. Pritchett on July 22, 2019 9:30AM, sourced from the Centers for Disease Control (CDC), of the USA Government), but dehydration at the time of Brian Hill's hospitalization after being questioned by Officer Robert Jones and arrest, dehydration can cause hallucinations and delirious mental confusion.

14. **EXHIBIT 7**, EXHIBIT INDEX PAGE 66 OF 317 proves to this Court from the NATIONAL CANCER INSTITUTE (federal government agency/organization) that delirium can be caused by dehydration. Supported by the billing record in **EXHIBIT 2**. Delirium can cause "hallucinations and changes in attention span, mood or behavior, judgement". Brian Hill was not medically cleared, and statements obtained by Law Enforcement from Defendant at the time of arrest were incoherent as the hospital hydrated the body of Defendant and gave him sodium chloride, an electrolyte according to the billing record in **EXHIBIT 2**.

15. Even if this Court can legally ignore the carbon monoxide exposure of Defendant for almost a year due to not having the Carboxy-hemoglobin levels at the time of arrest, the medical records and billing records shown that Brian Hill had to be hydrated by IV tubes in the first hour he was in the "local hospital", again see the entry: "1 IV HYDRATION 1ST HR" was ordered at \$585.00. The

hospital felt that it was necessary to hydrate the dehydrated man before he was arrested. The statements obtained by Martinsville Police were obtained before Defendant was taken to the “local hospital”. There may not be a statement about dehydration in the medical records (**EXHIBIT 18**) but there was usage of a body hydration by IV in the first hour of his hospital visit by IV fluids which is listed in the billing record. Billing records actually sometimes tells more details or information than the medical records, in some cases, like in this case. Every medical procedure and every item ever used has to be counted for billing purposes, accounting purposes.

16. The Officer said in its criminal complaint charge that: “He was medically and psychologically cleared.” That is not true. The officer may believe that was true at the time, but the facts do not make beliefs true. The facts show that the officer’s belief was not true.

17. It is a fact that Martinsville Police Investigator Robert Jones did not ever obtain a copy of Hill’s medical records (**EXHIBIT 21**, PAGE 35 of that transcript citation: “...**Like I said, I did not get his records. They normally do, but I do not have that**...”). Didn’t know any medical facts prior to his complaint.

18. Here is why. The billing record (**EXHIBIT 2**) and Mr. Hill’s affidavit (**EXHIBIT 23**) proven blood was drawn from Defendant’s arm. That it caused the lab tests to be ordered including blood alcohol levels. Those tests can also be used

to find any narcotics, drugs, substances, or gases (E.G. CarboxyHemoglobin) in the blood of Defendant's body while at the hospital. EXHIBIT INDEX PAGE 163 OF 317, **EXHIBIT 18**. Defendant was not thinking straight as medical noted: "The history from nurses notes was reviewed: and my personal history differs from that reported to nursing." So medical said in Page 4 Doc# 2 (ED Physician Record - Electronic - Page ¼, MM7806761243 SOVAH Health - Martinsville) of **EXHIBIT 18**: "my personal history differs from that reported to nursing". Mental confusion. Defendant couldn't keep his words correct with the mental confusion.

19. There are contradictions in the medical record dated 9-21-2018. One entry said: "*Constitutional: This. is a well developed, well nourished patient who bdh is awake, alert, and in no acute distress.*" Page 6 of #181-11. That contradicts the entry in the **EXHIBIT 2** billing record of \$585 charged to patient account. There appears to be contradictions and/or cover ups and/or neglect in the medical record (**EXHIBIT 18**). The billing record said hydration was given to Petitioner at the hospital "1ST HR" while the medical record mentions nothing about dehydration despite the \$585 billed for first hour of hydration by usage of IV fluids. If Brian was perfectly "*well developed, well nourished patient who bdh is awake, alert, and in no acute distress*" then why was blood drawn from his arm with no completed lab tests? And why was "1 IV HYDRATION 1ST HR" hooked



up to Brian's arm by IV and billed at \$585.00, aka "IV THERAPY", "092118 23B781 0780"?

20. Also it said in the billing record in the entry: "2 58-IV SOLUTIONS, 092118 21B597 0715 1703 63, J7030, 1 IV NACL .9% 1000ML, 157.00". IV "NACL" stands for Sodium chloride 23.4% injection which is used to replenish lost water and salt in your body due to certain conditions (eg, hyponatremia or low salt syndrome). It is also used as an additive for total parenteral nutrition (TPN) and carbohydrate-containing IV fluids. A sodium chloride IV is a mixture of fluids and sodium chloride administered intravenously to restore fluid balance. Sodium chloride is used to treat or prevent sodium loss caused by dehydration, excessive sweating, or other causes. Sodium is an electrolyte that regulates the amount of water in your body. Sodium also plays a part in nerve impulses and muscle contractions.

21. Brian Hill was not truly medically cleared, that is a lie. Let's compare medical records, shall we.

22. Medical record of November 19, 2017, See **EXHIBIT 9**. Lab tests were ordered. Brian Hill was there for more hours than his hospital visit on September 21, 2018. Both hospital visits concerned fall and/or injury. Brian was detained by police around or in a creek meaning he fell into the creek before he was detained and was injured before being detained, injured and fell just like his hospital visit in

November, 2017 with more lab work and results while the visit in September, 2018 had no lab tests completed after being ordered. His hospital visit on the date of arrest was very short and did not have lab results proving negative on anything abnormal. Total difference between the two Emergency Room medical records. Proves neglect by example from the same hospital. See **EXHIBIT 18**.

23. See the financial records from Medicaid claims records concerning Brian David Hill. The cost of his hospital visit on 11-19-2017 was a lot more expensive than his hospital visit on 09-21-2018. See **EXHIBIT 4**, Virginia Medicaid Claims History For Member Name: Brian Hill. Lab results were tested completely on November, 2017, while the hospital did not have on any record as to lab testing done on September, 2018. There was no lab results. Either covered up or neglect by medical personnel at the local hospital. The same “local hospital” which falsely and/or erroneous claimed to have cleared the Defendant mentioned in charging document **EXHIBIT 0**. **EXHIBIT 4** is thanks to Defendant filing a FOIA request with Virginia Medicaid requesting those records, see **EXHIBIT 26**, URGENT "LETTER TO MEDICAID REQUESTING RECORDS REGARDING FINANCIAL BILLING STATEMENTS OF SOVAH HEALTH MARTINSVILLE; REQUESTING FINANCIAL RECORDS OF BRIAN DAVID HILL, REQUESTING RECORDS OF HIMSELF; RECORDS OF LAB WORK ORDERED ON SEPTEMBER 21, 2018", "SATURDAY, JULY 16, 2022".

24. There are two transcripts this Court should be made aware of relevant and material to the arrest of Brian David Hill for the supervised release violation on the exact same basis as the ARREST WARRANT and CRIMINAL COMPLAINT in **EXHIBIT 0**. Both transcripts come from two hearings held in the U.S. District Court for the Western District of Virginia, dated December 26, 2018, and May 14, 2019. One hearing was the arraignment and the other hearing was regarding the release of Brian David Hill on bond conditions pending the case in the Middle District of North Carolina. Without his family asking for a mental evaluation, the Court on its own suspicions had directed and ordered a mental evaluation of Brian David Hill for competency and possibly sanity at the time of the incident. Those two transcripts are important and are of the record concerning the supervised release violation and must also be made known to the Virginia Courts. U.S. Probation Officer Jason McMurray thought Brian Hill may not have been mentally right in the head at the time of his arrest and his hunch was right. **Brian Hill was exposed to carbon monoxide which can cause brain damage and hallucinations and psychosis (EXHIBIT 19)**.

25. See **EXHIBIT 5**, USA v. Brian David Hill - 7:18-MJ-00149, December 26, 2018, Supervised Release Revocation Hearing. Transcript completed on May 2, 2022.

26. See **EXHIBIT 6**, USA v. Brian David Hill - 7:18-MJ-00149, May 14, 2019, Competency/Detention Hearing. Transcript completed on May 2, 2022.

27. Last piece of evidence that Brian David Hill was not medically cleared on September 21, 2018, is a complaint and investigation case letters from a redacted government agency from a redacted government employee, two redacted government employees. Letter dated June 9, 2022 and second letter in this exhibit dated July 20, 2022. See **EXHIBIT 8**. A government agency is currently investigating Dr. Brant Hinchman, MD, doctor who was in charge of the EMERGENCY ROOM medical shift at that time in that “local hospital” which erroneously and fraudulently medically and psychologically cleared Defendant. Defendant was not medically cleared and should not have been considered medically cleared, because not all medical facts were made known at the time he was released to police and jail. No laboratory tests were completed after being ordered. **Talk about waste and medical waste, possibly Medicaid fraud or medical fraud, Medicaid paid for waste of blood being drawn then disposed of without warning, without preservation of that biological evidence, yet Medicaid was billed. Waste and fraud. State Police must investigate.**

28. Defendant had filed a complaint against this individual Dr. Brant Hinchman, MD, and Defendant had filed a complaint against the associated/involved nurses as well for medical neglect and lying to Martinsville

Police about Brian Hill being medically and psychologically cleared. This investigative agency has a right to prevent anybody (even the Corrupt U.S. Attorney and Corrupt Commonwealth Attorney) from interfering with and fettering with such investigation including investigators. Fettering with this investigation may be a crime in the Commonwealth of Virginia once an investigation has started. So Defendant is filing a copy of this letter, REDACTED, to protect the identity of the agency and protect its “Regional Manager” from any threats, blackmail, bribery, intimidation, obstruction, or contempt of their investigation procedures.

29. After the completion of investigation procedures, Defendant promises to file the non-redacted copies with this Court in lieu of the redacted copies in **EXHIBIT 8** once the agency’s investigation is completed, and provide a copy with the Commonwealth Attorney’s Office and a copy with the judge. This is not just a government agency, but has the legal standing and authority to suspend the license of this medical doctor. If the findings are medical neglect or even possibly as far as Medicaid fraud or Medicaid wasteful procedures or hospital lying to police, then this further proves that Defendant was not medically cleared. Thus cannot be convicted of indecent exposure, cannot be criminally held culpable for indecent exposure because he was not medically cleared as charged. Cannot be held culpable for this charge as the evidence of lack of medical clearing is enough to

throw the entire case out as an unfounded criminal charge against an innocent man.

**Brian David Hill = Innocence.**

30. There is evidence of a cover up or neglect of the laboratory results ordered but later deleted from the chart. Officer Robert Jones admitted under oath at the revocation hearing that: "...I don't know if they did. Like I said, I did not get his records. They normally do, but I do not have that." See **EXHIBIT 21**, PAGE 35 of that transcript citation. Renorda Pryor, the defense attorney had asked this officer: "Was there any tests dealing with his blood alcohol content or anything of that nature?" That officer did not have any of Defendant's medical records, saying they normally do the lab work but he did "not have that". The Officer who charged Defendant with the indecent exposure charge did not have any of Defendant's medical records while saying under oath without proof that Defendant was medically and psychologically cleared. That is perjury in federal court, that may be considered perjury in Virginia for that claim in ARREST WARRANT when under oath or affirmation which is a contradiction of the facts. Saying under oath or affirmation that Brian Hill was medically and psychologically cleared but didn't know that he was a type one brittle diabetic, didn't know about the laboratory results saying they normally have them but he doesn't have Defendant's medical records. Didn't know they were deleted from chart. This officer lied under oath, Defendant was not medically cleared, and that was a LIE, BIG FAT LIE.

31. So lab work is normally done in Emergency Room visits as ordered in Defendant's medical record file but in Defendant's case the lab work ordered was to be deleted from the chart at a later time despite the billing record from Sovah Health Martinsville proving that a device or applicator or IV Kit and CATH IV was used to draw blood from Defendant's arm causing lab tests to be ordered, then deleted from the chart. Attorney Renorda Pryor got some good answers from the U.S. Attorney's witness, Officer Robert Jones of Martinsville Police Department who charged Defendant in the General District Court (**EXHIBIT 0**). The Circuit Court needs to ask him further questions regarding his claim that Defendant was medically and psychologically cleared but the lab tests were ordered and never completed. Not medically cleared. When Officer Jones said they normally do the lab work (or tests) but he doesn't have that, he believed lab work was done but Officer Jones's beliefs do not make them true. Not medically cleared as charged in element.

32. Regardless of this REDACTED government agency investigation (**EXHIBIT 8**) sanctioned to investigate the medical issues on arrest date of September 21, 2018, investigating Emergency Room doctor Brant Hinchman, MD, Defendant has proven that he was not medically cleared. The doctor lied to or gave false impression to police officer Robert Jones on September 21, 2018 about Defendant being medically cleared. No lab tests were completed after being

ordered. Medicaid billed, lab work ordered, but later deleted, Sounds like a cover up which is Medicaid fraud and/or medical fraud. Brian David Hill is actually innocent of indecent exposure because he was not medically cleared, and he has to be medically cleared and psychologically cleared (being checked out fully) prior to being held criminally culpable which includes the obscenity element of the crime and the intent element of the crime. Both cannot be met unless Brian David Hill was proven beyond a reasonable doubt as to being medically and psychologically cleared as charged under oath or affirmation by the Officer Robert Jones of Martinsville Police Department.

33. Because the lab tests were ordered, the billing record shown IV was paid for to draw blood, as well as IV for hydration and sodium chloride IV for hydration of dehydrated Brian Hill as hydration IV as well as “1 IV NACL .9% 1000ML” would not have been charged in the billing record if hydration IV “1 IV NACL .9% 1000ML” were not used. It proved that blood was drawn as Defendant had claimed, but the lab tests were to be deleted from the chart, covered up or neglect or both. It had proven that Defendant was not medically cleared as one of the basis of elements of the **EXHIBIT 0** charge.

34. Theoretically, Defendant could have been manipulated at night to have been drugged, somebody could have injected any kind of drug or narcotic or substance inside of him orally or by injection needle. Defendant having autism



could have accidentally smelled chemical bath salts and it could have triggered what had happened. Brian said in **EXHIBIT 24**, Case 1:13-cr-00435-TDS, Document 153, Filed 10/17/18, Page 3 of 11, EXHIBIT INDEX PAGE 292 OF 317: “...***At one point I felt like I might collapse so I may have been drugged. I had to keep sitting on benches***”. Defendant said he thought he was drugged. And **the Commonwealth of Virginia and City of Martinsville, aka the Commonwealth Attorney cannot disprove Brian David Hill may have been on a drug, narcotic, gas, substance, anything**. These statements were written on September 27, 2018. Six days reportedly after Defendant was arrested. Not psychologically cleared, his statements at that time sounded bazaar and goes along with the carbon monoxide gas poisoning (**EXHIBIT 22**) theory. Carbon monoxide gas found in Apartment of Brian David Hill has been proven with evidence of Pete Compton witness letter, the photographs of the white residue and damage in Defendant’s apartment and the carbon monoxide gas induced damage to his apartment had got worse while Defendant was in jails in late September 2018, October 2018, November 2018, December 2018, and January 2019 until the source of the carbon monoxide gas had been removed. Carbon monoxide gas had been proven, the levels had not been documented due to lab work ordered but then deleted from the chart of Defendant’s medical records.

35. Defendant also made statements in writing in the year 2018 which had proven to any rational investigator or trier of fact that he was not mentally and medically cleared. **EXHIBIT 24**, Case 1:13-cr-00435-TDS, Document 153, Filed 10/17/18, Page 2 of 11, EXHIBIT INDEX PAGE 291 OF 317: “On September 20, 2018, Thursday, some of my memories may have been blacked out. I was under an extreme amount of stress and anxiety already due to the pre-filing injunction motion...My mom had also noticed that my doors were not being kept locked, I was psychologically afraid to sleep in my bed. Sometimes sleeping on the couch and I had a bad feeling something bad would happen to me.”. **EXHIBIT 24**, Case 1:13-cr-00435-TDS, Document 153, Filed 10/17/18, Page 2 of 11, EXHIBIT INDEX PAGE 291 OF 317: “ON SEPTEMBER 18th, 2018, Somebody was in the thicket at the end of my neighbor's property and branches moved whenever I looked in that direction. I was around the period when I was mowing the grass between the time period of 1 to 4PM. That was a tuesday. Likely surveiling me.” Defendant having paranoid statements or paranoid delusions at the time after his arrest and carbon monoxide or certain drugs or medications can cause such mental health issues. Not medically cleared, a lie by the Martinsville Police in its **EXHIBIT 0** charge. Defendant was not medically cleared by a long shot.

36. Somebody who was drugged or was on alcohol can easily be manipulated or have uncontrolled impulsive behavior of taking nude photos of themselves in the days of technology with cheap cameras (without cell phones) and cell phones. Anybody who is drunk, intoxicated, or on a drug could easily take nude photos of themselves smiling or acting insane or any of the sort. Or somebody can easily take photos of somebody in the nude if they were intoxicated. Brian in the nude photographs presented at the bench trial on December 21, 2018 in General District Court, not jury trial, was not acting normal, was acting erratic, and had acted crazy, in a way which normal people do not even act unless that person was under an intoxication. **It is clear Brian was not medically cleared no matter what the Commonwealth argues in rebuttal.** The local hospital did not medically clear him, heck one month after Defendant was presumably medically cleared, and he was diagnosed by a FORENSIC PSYCHIATRIST “DR. CONRAD DAUM” (**EXHIBIT 19**) as to having a “PSYCHOSIS” (**EXHIBIT 19**) which such information was not made known to the court ordered mental evaluation ordered by the General District Court. He was diagnosed with that in October, 2018.

37. Except forensic psychiatrist Dr. Conrad Daum knew something wasn't mentally right with Defendant but he didn't have the laboratory testing to prove Defendant's psychosis was caused by intoxication because the lab tests were to be

deleted from the chart (**EXHIBIT 18**). Either a criminal cover up or medical neglect and waste of Medicaid tax payer funds to charge for a blood drawing procedure but refuses to complete the purpose(s) of such procedures.

38. **EXHIBIT 10** is the exhibit entitled: “Police: Naked Man High On Bath Salts Chases Down Car”, “MARCH 11, 2013 / 9:49 AM / CBS PITTSBURGH”, and “Police say a man was high on the synthetic stimulant known as bath salts when he was naked and chased a car down the street in central Pennsylvania.”. A criminal on the streets could have easily influenced Defendant outside at night to sniff bath salts and then runs around naked. This is only an example exhibit, but it brings many theories to an issue which can never be rectified because Defendant can never be medically cleared on the day and time of his arrest for indecent exposure. All because lab results were never completed after being ordered.

39. He is actually innocent of indecent exposure because he had acted intoxicated and the nude photographs of Defendant shows him acting wild or crazy outside at night which would normally happen to an intoxicated person, and that can never be fully proven or disproven because the “local hospital” medically neglected Brian David Hill and/or covered up the lab results. They drew the blood, billing record proven it, but never completed the lab tests including blood alcohol testing.

40. Attorney Renorda Pryor thought after hearing about or seeing the nude photographs of Brian that Defendant may have been on drugs or alcohol aka intoxicated. That was why she asked a specific question which was reported by the Transcript (**EXHIBIT 21**, PAGE 35 of that transcript citation). The transcript said: “Q Was there any tests dealing with his blood alcohol content or anything of that nature?” question asked by Atty. Pryor, the witness Robert Jones said: “A I don't know if they did. Like I said, I did not get his records. They normally do, but I do not have that.” Attorney Renorda Pryor even suspected at the time of the arrest that Defendant may have been on drugs or alcohol or was drugged into taking nude photographs of himself. The laboratory testing results would have shown intoxication. That would open up the legal defense of intoxication to the criminal charge by the Commonwealth. The police OFFICER who charged Defendant in **EXHIBIT 0** thought it was important in the ARREST WARRANT and CRIMINAL COMPLAINT affidavit (**EXHIBIT 0**) for indecent exposure to say that Brian David Hill was medically and psychologically cleared, because if Defendant was not “medically and psychologically cleared” then this creates a huge problem, a huge medical conundrum and legal conundrum in the prosecution’s bid for proving that Defendant may or may not have been obscene and may or may not have had the intent to violate Virginia code and local ordinance of indecent exposure.

41. In the medical record dated September 21, 2018 (**EXHIBIT 18**), the discharge paper given to the police / jail was different than the discharge paper in the medical record dated November 19, 2017 (**EXHIBIT 9**). The discharge paper also proves that Defendant was not checked for all issues before claiming he was medically cleared. The hospital contended that Brian was medically cleared but instructed the police / jail in the discharge paper that Defendant should see his private physician the next day, the jail never let him see any physician the next day, and never let him see the jail physician the next day. The discharge paper (**EXHIBIT 18, EXHIBIT INDEX PAGE 157 OF 317, Page 1 Doc# 1; Discharge Instructions - Scanned - Page 1/3**) said: “**FOLLOW UP INSTRUCTIONS Private Physician When: Tomorrow; Reason: Further diagnostic work-up**, Recheck today's complaints, Continuance of care”. Because the Martinsville City Jail never provided any checkup and never did any drug testing of Defendant, they have no right at all to claim that Defendant was medically cleared, there is no basis for that belief or claim contending of being medically cleared. They never drug tested him, never did any lab work after ordering lab work while Officer Robert Jones tells the United States District Court under oath in transcript (**EXHIBIT 21**, PAGE 35) that “they normally do...” lab work but they don’t have that. **The claim in police complaint affidavit are a fraud in this case**, they lied, and the Defendant was not medically cleared. The

other emergency room visit in 2017 had lab work completed for THAT emergency room visit. So they cannot use the excuse not to expect lab work in an emergency room visit. Martinsville is in the wrong here, officer is in the wrong here.

42. Again the officer definitely defrauded the court when he claimed medically cleared. Again the transcript said in citation: "...I don't know if they did. Like I said, I did not get his records. They normally do, but I do not have that." See **EXHIBIT 21**, PAGE 35 of that transcript citation. Renorda Pryor, the defense attorney had asked this officer: "Was there any tests dealing with his blood alcohol content or anything of that nature?". The officer lied or had an untruthful belief or delusional belief when he gives the impression they normally do blood alcohol testing or drug testing or any lab testing before arresting somebody. The Defendant was not medically cleared and the belief of Robert Jones in his CRIMINAL COMPLAINT is not the truth. Arrest was defective, complaint was defective.

42. The Commonwealth Attorney and Martinsville Police Department needs proof that Defendant was medically and psychologically cleared at the time of his arrest. The police officer who charged Defendant had thought it was important to note in the CRIMINAL COMPLAINT that Brian David Hill was "medically and psychologically cleared" by the local hospital. That is not true. That is a lie. Once Defendant proves that the medical clearing was a lie, a falsehood, a blatant

disregard for the truth, then the basis in the ARREST WARRANT and CRIMINAL COMPLAINT in **EXHIBIT 0** is based on a falsehood. If Defendant was not medically cleared as charged in September 21, 2018, then the whole basis for such charge was erroneous and is not based on fact. Culpability cannot be attained without proof of full medical clearing including any evidence of clean and healthy laboratory testing results. It is based on theory of alleged guilt, not fact. It was the officer's belief that Defendant was medically and psychologically cleared at the time of Defendant's arrest. That belief is not true, it is not a fact. The officer cannot prove it as fact once the hospital decided to delete from the chart its orders for laboratory testing after Defendant was detained for indecent exposure and brought to the local hospital. The officer believed lab work was done but the lab work was never done even when Defendant had begged for drug testing, saying in affidavit that he may have been drugged, EXHIBIT INDEX PAGE 292 OF 317. Beliefs of Officer Robert Jones do not make it true, it is a belief, not the truth. **The officer MUST TELL THE TRUTH. OFFICER ROBERT JONES MUST TELL THE TRUTH OR HE LIED IN THE ARREST WARRANT.** The beliefs of this police officer does not make it true.

43. The **EXHIBIT 0** charge was not based on fact but a falsehood. Brian David Hill was not medically and psychologically cleared, that is a lie. Brian could have been given any kind of drug or narcotic while he was out on the Dick and



Willie passage walking trail at night, he could have been drugged while walking at night from his residence to the walking trail where Defendant reportedly got naked and took nude photos of himself. **No lab tests, they were covered up, sorry.**

44. **FOR EXAMPLES:** At the time of his arrest, Defendant could have been on Purple Drank. At the time of his arrest, Defendant could have been on Krokodil. At the time of his arrest, Defendant could have been on Phencyclidine (PCP). At the time of his arrest, Defendant could have been on Bath Salts. At the time of his arrest, Defendant could have been on Devil's Breath. At the time of his arrest, Defendant could have been on Methamphetamine. At the time of his arrest, Defendant could have been on crack Cocaine. At the time of his arrest, Defendant could have been on Heroin. At the time of his arrest, Defendant could have been on fentanyl. At the time of his arrest, Defendant could have been on ANYTHING. The police didn't get proof for a fact whether or not Defendant was on any drug or not, Defendant was not cleared for a fact and of truth. Truthfully the Defendant could not have been cleared without a drug test or breathalyzer or any of those police pushed for tests. The police didn't do any mandatory drug testing on Defendant at the time of his arrest, like a bunch of morons, then claim under oath or affirmation that Defendant was medically and psychologically cleared. LIE, LIE, AND LIE, LIE. **Beliefs are not material facts. Officer Jones had the belief of being medically and psychologically cleared but as a police officer,** he didn't have

any evidence of those claims, they are just beliefs. Beliefs are not the truth. The beliefs of Officer Robert Jones are not the truth, this officer must tell this Court the truth.

45. The Commonwealth Attorney cannot disprove it or prove it because the Defendant had not been factually medically and psychologically cleared at the time of his arrest, which that claim in CRIMINAL COMPLAINT was a belief but it was not true. Being diagnosed with a “PSYCHOSIS” (**EXHIBIT 19**) a month after his arrest draws the entire “local hospital” medical clearing into serious questions.

46. Defendant is ACTUALLY INNOCENT because he has not been medically and psychologically cleared, that is a fact before this Court.

**Element 2: Intent is necessary to convict Defendant of the charged crime in ARREST WARRANT which claimed Defendant had: “intentionally make an obscene display of the accused's person or private parts in a public place or in a place where others were present.” (EXHIBIT 0, EXHIBIT INDEX PAGE 2 OF 317)**

47. Because Brian Hill was not medically cleared, intent cannot be proven until there is 100% undeniable proof that Brian David Hill was medically cleared and lab results should have shown completely clean results of no drugs or gas poisonings before he was arrested for indecent exposure. See the Witness Letter from Kenneth Forinash. See the Witness Letter from Stella B. Forinash. Again, SEE **EXHIBIT 1**: “A MEDICAL EMERGENCY NOT CRIMINAL by BRIAN  
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HILL’S FAMILY (7-16-2022)”. Witness letters were filed in support of the MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL filed earlier this year. The Court can ask for those letters.

**Element 3: Obscenity is necessary to convict Defendant of the charged crime in ARREST WARRANT which claimed Defendant had: “intentionally make an obscene display of the accused's person or private parts in a public place or in a place where others were present.” (EXHIBIT 0, EXHIBIT INDEX PAGE 2 OF 317) – Note: Because Brian Hill was not medically cleared as previously assumed by Martinsville Police, obscenity cannot be proven until there is 100% undeniable proof that Brian David Hill was medically cleared and psychologically cleared before he was arrested for indecent exposure.**

48. Brian Hill said under penalty of perjury to this Court in affidavit that he never masturbated. Citation: “I never masturbated, I told the police the truth. When I was seen... seen by a passing vehicle, I never masturbated.” (EXHIBIT 25, Case 1:13-cr-00435-TDS, Document 163, Filed 12/12/18, Page 4 of 6, EXHIBIT INDEX PAGE 305 OF 317). Because Defendant was not truly medically cleared, he cannot be obscene and wasn’t in his medical capacity or even mental capacity to even have his behavior construed as to any obscenity if it even exists which it does not. He was not coherent. He was likely intoxicated but that cannot be determined either way as the lab tests were never completed after being ordered, on record in this case (EXHIBIT 18). Defendant never masturbated and was not medically

cleared at the time, he was not being obscene. Was never under the totality of circumstances to infer that Defendant had an intent or purpose being an appeal to the prurient interest in sex. See Price v. Commonwealth, 201 S.E.2d 798, 800 (Va. 1974); Romick v. Commonwealth, No. 1580-12-4, 2013 WL 6094240, at \*2 (Va. Ct. App. Nov. 19, 2013)(unpublished).

49. There are articles of autistic children wandering away from home and found naked in public places or naked outside of the home. Of course with Defendant he had not had a history of this type of behavior, but his autism had regressed to that of autistic children because nobody knew in 2018 that Brian Hill was exposed to carbon monoxide gas until 4 months after his arrest (**EXHIBIT 22**, Pete Compton ACE Chimney business witness letter). Anyways, Defendant has autism and the Carbon Monoxide (“CO”) gas exposure regressed his autism to the point of that of a child. The mental evaluation ordered by the General District Court in November, 2018 under Dr. Rebecca Loehner did not know about the carbon monoxide gas exposure from October 5, 2017, until Defendant leaving the home in late September 20, 2018, and was arrested on September 21, 2018. The mental evaluation ordered by the General District Court in November, 2018 under Dr. Rebecca Loehner did not know about the psychosis diagnosis from Dr. Conrad Daum (**EXHIBIT 19**) a forensic psychiatrist and thus the GDC was not aware of that diagnosis during that evaluation. That evaluation was misled and needs to be

reordered by the Circuit Court upon new trial. Autistic children have the tendency of walking around naked and wandering away from home and in a lot of cases, found naked, just like Defendant was found naked by police. **Should autistic**

**children face criminal liability or mental help**

**programs??**

50. Defendant is filing four different articles of autistic children or autistic teens found naked either in public or was found naked by police, and one such exhibit regards an article on **“How to Stop Your Autistic Child From Taking Their Clothes Off”, “Medically reviewed Pilar Trelles, MD”**. See **EXHIBIT 12**. Autism is a neurological regression from people who behave normally and such normal people have no neurological damage or disability. Carbon monoxide or anybody drugging Brian Hill outside can cause such a regression to wandering around naked in public, especially at night. A MEDICAL DOCTOR may be necessary to testify in this case. Defendant recommends and suggests that the Hon. Giles Carter Greer order a medical expert at Commonwealth’s expense to review Defendant’s behavior in his charge and the medical evidence as well as mental health evidence submitted by Defendant. See **EXHIBIT 11**: “Autistic boy, 13, found naked in house filled with human feces and dead rodents: police”. Here is another autistic person found naked in a public place article. See **EXHIBIT 13**: “Naked girl found walking along I-5 near Ashland”, “A girl who is believed to be autistic was found

walking naked along the shoulder of Interstate 5 on Sunday north of Ashland.

Oregon State Police say she appeared to be in her late teens and couldn't

communicate". See **EXHIBIT 14** citation: "Motorists called police around 6 a.m.

after noticing the child in the middle of the roadway with no clothes near Apache

Road and Price Road... **The child is autistic,**" Many situations of somebody with

autism found wandering away from home naked. Not every case reported by news media.

52. Until the passage of Virginia law Virginia Code § 19.2-271.6 which

came into effect in the year of 2021, **The Circuit Court did not take autism**

**spectrum disorder into consideration due to Stamper v. Commonwealth, 228 Va.**

**707 (1985) which was nullified by the new law in the year of 2021. Instead this**

**Court had treated Defendant's MEDICAL EMERGENCY as a criminal matter.**

See Kenneth and Stella Forinash's letter to the Court, **EXHIBIT 1**. Defendant's

autistic behavior of wandering away from home and being found naked had not

been repeated (**EXHIBIT 21**, PAGE 35 of that transcript citation) since his arrest

after the removal of the source of the Carbon Monoxide gas (**EXHIBIT 22**), so the

Court and authorities should have no concern that Defendant could do this again as

the issue of carbon monoxide had ceased since late January, 2019. Thanks to Pete

Compton the hero. Defendant has not ran around naked since then. The carbon

monoxide long-term in 2018 had regressed his behavior of autistic spectrum

disorder at that time into that of an autistic child, similar to the above referenced exhibits of example articles.

53. Brian Hill is actually innocent of all three elements of his criminal charge. If the Circuit Court is still not convinced, they should hold an evidentiary hearing, ask the Commonwealth Attorney for a response, and appoint an attorney to represent Defendant in this case to fully demonstrate factual innocence to warrant New Trial in this Court or Judgment of Acquittal to prevent a fundamental miscarriage of justice. Convicting an innocent man of violating the indecent exposure statute is a miscarriage of justice.

**LEGAL ARGUMENT AS TO WHY CIRCUIT COURT HAS THE  
JURISDICTION, AUTHORITY, AND CASE LAW TO JUSTIFY THE  
RELIEF SOUGHT BY GRANTING THIS MOTION AND EVEN HOLDING  
AN EVIDENTIARY HEARING**

1. The judge's reasoning why possibly considering to deny this type of post-conviction motion: Citation of Rule 1:1 - Finality of Judgments, Orders and Decrees, Va. R. Sup. Ct. 1:1 ("(a)Expiration of Court's Jurisdiction. - All final judgments, orders, and decrees, irrespective of terms of court, remain under the control of the trial court and may be modified, vacated, or suspended for twenty-one days after the date of entry, and no longer. The date of entry of any final judgment, order, or decree is the date it is signed by the judge either on paper or by electronic means in accord with Rule 1:17. (b)General Rule: Orders Deemed Final.

- Unless otherwise provided by rule or statute, a judgment, order, or decree is final if it disposes of the entire matter before the court, including all claim(s) and all cause(s) of action against all parties, gives all the relief contemplated, and leaves nothing to be done by the court except the ministerial execution of the court's judgment, order, or decree.”).

2. However due to the rights of criminal defendants under the U.S. Constitution and Virginia Constitution, (court rules cannot override the Constitution and its protections of criminal defendants) Rule 1:1 does not bar reopening a final criminal judgment or conviction of a case when new evidence is filed with the Court, evidence that was not previously known or discovered. New evidence which proves that a final judgment is erroneous or that a final judgment cannot be sustained based on new evidence can bring jurisdiction to the Circuit Court to act on a motion challenging a final judgment or criminal conviction. Again see Odum standard: *Odum v. Commonwealth*, 225 Va. 123, 124 (Va. 1983) and Tweed standard: *Commonwealth v. Tweed*, 264 Va. 524, (Va. 2002).

3. Also the Supreme Court of Virginia, rules of the Court has a rule on a motion for a new trial or judgment of acquittal if the evidence is enough to show that the Commonwealth cannot sustain a criminal conviction. All elements of a criminal charge must be met before a criminal conviction can be entered constitutionally as part of due process of law. See Rule 3A:15 - Motion to Strike or



to Set Aside Verdict; Judgment of Acquittal or New Trial, Va. R. Sup. Ct. 3A:15 (“(c)Judgment of Acquittal or New Trial. The court must enter a judgment of acquittal if it strikes the evidence or sets aside the verdict because the evidence is insufficient as a matter of law to sustain a conviction. The court must grant a new trial if it sets aside the verdict for any other reason.”).

4. As to the psychosis diagnosis (**EXHIBIT 19**) by the forensic psychiatrist Dr. Conrad Daum of Piedmont Community Services directly involving the statements given by Defendant regarding what happened on September 21, 2018 and why he was naked and taking photos of himself around that time, that diagnosis may be a defense under Va. Code 19.2-271.6 - Evidence of defendant's mental condition admissible; notice to Commonwealth (“A. For the purposes of this section: "Developmental disability" means the same as that term is defined in § 37.2-100. "Intellectual disability" means the same as that term is defined in § 37.2-100. "Mental illness" means a disorder of thought, mood, perception, or orientation that significantly impairs judgment or capacity to recognize reality. B. In any criminal case, evidence offered by the defendant concerning the defendant's mental condition at the time of the alleged offense, including expert testimony, is relevant, is not evidence concerning an ultimate issue of fact, and shall be admitted if such evidence (i) tends to show the defendant did not have the intent required for the offense charged and (ii) is otherwise admissible pursuant to the general rules of

evidence. For purposes of this section, to establish the underlying mental condition the defendant must show that his condition existed at the time of the offense and that the condition satisfies the diagnostic criteria for (i) a mental illness, (ii) a developmental disability or intellectual disability, or (iii) autism spectrum disorder as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association.”)

5. Let us examine the Tweed Standard and Odum standards which both have a similar requirement for new trials and judgment of acquittal if the new evidence is enough to disprove the elements of guilt presented by the Commonwealth of Virginia which may require acquittal by dismissal of case.

#### **A PARTY SEEKING A NEW TRIAL LEGAL STANDARDS**

6. A party who seeks a new trial based upon after-discovered evidence bears the burden to establish that the evidence (1) appears to have been discovered subsequent to the trial; (2) could not have been secured for use at the trial in the exercise of reasonable diligence by the movant; (3) is not merely cumulative, corroborative, or collateral; and (4) is material, and such as should produce opposite results on the merits at another trial. The litigant must establish each of these mandatory criteria.

7. To satisfy first criteria, the evidence of proving not being medically cleared as stated in the STATEMENT OF THE FACTS was all discovered after the trial in the General District Court on December 21, 2018.

8. To satisfy second criteria, the evidence could not have been secured for use at trial because of ineffective assistance of counsel in violation of the Sixth Amendment of the U.S. Constitution. As well as non-existence of Va. Code 19.2-271.6 until its passage in 2021 legislative session. All court appointed lawyers Matthew Scott Thomas Clark, Lauren McGarry, and Scott Albrecht did not ever secure any evidence proving that Defendant was not medically cleared as when charged by Martinsville Police. Evidence could not have been secured pro se because at the time a lawyer was appointed, any pro se filings were ignored by the Circuit Court, any evidence filed pro se would have been disregarded and ignored, it was ignored for a fact. So the evidence could not have been secured prior to trial because of ineffective assistance of counsel and the Circuit Court ignored all pro se motions and ignored all pro se evidence while counsel was appointed. So ineffective counsel is the cause. See: Dominguez v. Pruett, 756 S.E.2d 911 (Va. 2014). Shaikh v. Johnson, 666 S.E.2d 325 (Va. 2008). See: Byrd v. Johnson, 708 S.E.2d 896 (Va. 2011). If counsel were effective in securing this evidence, Defendant never would have been convicted in the first place because he is factually innocent since he was never truly medically cleared. The entire claim by

Officer Robert Jones that Defendant was medically and psychologically cleared was based on only a belief, not based on a fact, not based on evidence, not based on the truth, it was only based on a belief by this police officer.

9. To satisfy third criteria, that it “is not merely cumulative, corroborative, or collateral”, it is not merely just evidence but it proves directly that lab work was ordered, but lab work was never completed and was deleted from the chart. It was covered up. It proved that Defendant was dehydrated at the time he was at the hospital (See **EXHIBIT 2**, EXHIBIT INDEX PAGE 13 OF 317). He was asked about why he was out there naked before he was transported to the hospital. His statements could not have been coherent. Lab work was ordered but never completed and at Sovah Health Martinsville’s fault. Sovah Health Martinsville is the local hospital where they gave Officer Robert Jones the false impression and belief that Defendant was medically and psychologically cleared. So the evidence proves to any reasonable trier of fact that the Defendant was never medically cleared, and it jeopardizes every other element of the charged crime. The indecent exposure statute was never meant to criminalize medical emergencies and never meant to criminalize those found naked in public without the intent and without the obscenity elements needing to be met. Otherwise that statute can criminalize an elderly person with dementia or Alzheimer’s disease or mentally handicapped person found naked in public. It would criminalize those with severe mental

handicaps, it would criminalize those with brain damage, and it would criminalize an elderly critically ill person. The purpose of the indecent exposure statute was only to penalize flashers, and those who purposefully want to expose themselves in public for the purpose of masturbation and to appeal to the prurient interest in sex, genital excretions, etc etc. Obscenity is required to convict somebody with indecent exposure to protect the elderly and medically impaired people from being convicted wrongfully of indecent exposure charges. It creates a balance of law where it protects the public from sexual acts in public but at the same time it protects medical emergencies from being criminally liable. So this evidence proves that the hospital did draw blood, billed Medicaid for procedures, but did not complete the procedure of conducting laboratory tests and spoiled the blood. Then deleted the ordered lab tests from the chart. Evidence proved that a redacted government agency is investigating Dr. Brant Hinchman and once the investigation is complete the results can be given to the court and would also be considered new evidence based on the government findings. Government trumps corrupt Glen Andrew Hall.

10. “The ‘obsenity’ element of Code § 18.2–387 may be satisfied when: (1) the accused admits to possessing such intent, *Moses v. Commonwealth*, 611 S.E.2d 607, 608 (Va. App. 2005)(en banc); (2) the defendant is visibly aroused, *Morales v. Commonwealth*, 525 S.E.2d 23, 24 (Va. App. 2000); (3) the defendant engages in masturbatory behavior, *Copeland v. Commonwealth*, 525 S.E.2d 9, 10 (Va. App.

2000); or (4) in other circumstances when the totality of the circumstances supports an inference that the accused had as his dominant purpose a prurient interest in sex, Hart, 441 S.E.2d at 707–08. The mere exposure of a naked body is not obscene. See Price v. Commonwealth, 201 S.E.2d 798, 800 (Va. 1974) (finding that “[a] portrayal of nudity is not, as a matter of law, a sufficient basis for finding that [it] is obscene’).” Romick v. Commonwealth, No. 1580-12-4, 2013 WL 6094240, at \*2 (Va. Ct. App. Nov. 19, 2013)(unpublished)(internal citations reformatted).

11. To satisfy the last element, “(4) is material, and such as should produce opposite results on the merits at another trial.” The last element is satisfied because it is directly material that Defendant was not medically and psychologically cleared. That is in the CRIMINAL COMPLAINT and is the direct element of alleged guilt. It made the Circuit Court and General District Court believe or be given the wrong impression that Defendant was purposefully out nude in public with good health and was caught by law enforcement, then made claims as to why he was nude out in public which those claims could not be verified and thus Defendant was arrested and treated as though his claims were only a mere excuse as to why he was out there in the nude. The judge didn’t believe Defendant at the time. New evidence changes the outcome of facts and law and should change the outcome in this case.

12. However, Defendant was not medically and psychologically cleared and was given medical procedures not mentioned in the medical record dated

September 21, 2018. There are two medical records. One from November 19, 2017, and September 21, 2018. The medical record from 2017 shown a lot of procedures done including laboratory testing and ECG reading showing Sinus Tachycardia. There were no lab tests and no ECG tests done on September 21, 2018. No lab work done after hearing from police that he was out there naked taking photos of himself. Whether out of emotional anger or whatever the reason may be, the hospital did order lab testing and IV Kit was used and other IV tools, however the assortment of lab tests which were originally ordered were to be deleted from the chart without explanation. The police officer who charged Defendant with indecent exposure had the belief without any hard evidence that Defendant was “medically and psychologically cleared”. That belief has now been dashed, that belief has been proven untrue. It is an error of fact and an error of law to convict Brian David Hill of indecent exposure. Doesn’t matter about the nude photographs when dehydration has been proven by IV fluids of hydration and electrolytes were documented in the **EXHIBIT 2** and **EXHIBIT 28** records. Defendant’s statements weren’t coherent.

13. Now it is documented by billing record that procedures were conducted which were not noted in the medical records. Dehydration was not noted in the medical records dated September 21, 2018. Brian David Hill gave statements about the man wearing the hoodie threatening to kill Brian’s mother if he didn’t take his clothes off in a public place and take photographs of himself. Those statements

were given before the hospital visit, and during the hospital visit when Defendant was accused of lying by Officer Robert Jones. However, Robert Jones is NOT A

**MEDICAL DOCTOR, AGAIN, OFFICER ROBERT JONES OF**

**MARTINSVILLE POLICE DEPARTMENT IS NOT A MEDICAL**

**DOCTOR**. He accused Defendant of lying while Defendant was being pumped

with electrolyte of sodium chloride and hydration. So defendant was dehydrated

and was questioned by Officer Jones about the guy wearing the hoodie while

Defendant was dehydrated and then the officer admitted in Federal Court that he

never got the medical records, never spoke with Dr. Brant Hinchman in any detail

about Defendant's serious medical issues like Type 1 brittle diabetes and OCD as

well as his proof that he did indeed had autism spectrum disorder. The whole

criminal case was built on beliefs and fraud, the only truthful thing was that Brian

David Hill was found naked on a deserted but public walking trail at night. There is

no evidence of sexual gratification. There is evidence showing no medical clearing

as lab testing was ordered but to be deleted from the chart which thwarts the

standards of usually mandatory or pushed drug testing for those accused of being

drunk or on drugs aka intoxication in public. Why did Martinsville Police not drug

test the Defendant that night when he was found not making any sense? Why did

Martinsville Police assume that Defendant had any lab work from the hospital but

refused to subpoena for those medical records and yet had the belief without any



proof that Defendant was medically and psychologically cleared? Why did the mental evaluation ordered by the General District Court in this criminal case in a SEALED evaluation report not know that in (October) “10/24/2018 9:51 AM to 10:23 AM” a forensic psychiatrist of Piedmont Community Services diagnosed Defendant with having psychosis but that was omitted from the sealed mental evaluation study? Why does the mental evaluation study by Dr. Rebecca Loehner in the SEALED evaluation report by Court Order in November, 2018 have no mention of the psychosis diagnosis from Piedmont Community services from a forensic psychiatrist licensed Doctor in **EXHIBIT 19**? Why did Attorney Scott Albrecht not inform Dr. Rebecca Loehner at the time in the SEALED evaluation report about the psychosis diagnosis from Piedmont Community services from a forensic psychiatrist licensed Doctor in **EXHIBIT 19**? Was the Judge in the General District Court misled or was defrauded when he was not made aware of the psychosis when he found Defendant guilty of indecent exposure? Was Dr. Rebecca Loehner in a court ordered evaluation in the General District Court misled or was defrauded when she was not made aware of the psychosis when the judge found Defendant guilty of indecent exposure? It is clear that Brian David Hill was not psychologically right in the head and so he was not psychologically cleared and was not medically cleared. The hospital did a very poor job and that is why they are under investigation by REDACTED government agency which has the authority to

suspend or revoke the license of Emergency Room doctor Dr. Brant Hinchman of the local hospital who lied to the police officer or gave the police officer the wrong impression of being medically and psychologically cleared.

14. Again, he was not mentally right in the head when he made these statements: Brian said in **EXHIBIT 24**, Case 1:13-cr-00435-TDS, Document 153, Filed 10/17/18, Page 3 of 11: “...*At one point I felt like I might collapse so I may have been drugged. I had to keep sitting on benches*”. Defendant said he thought he was drugged. And the Commonwealth of Virginia and City of Martinsville, aka the Commonwealth Attorney cannot disprove Brian David Hill may have been on a drug, narcotic, gas, substance, anything. Defendant also made statements in writing in the year 2018 which had proven to any rational investigator or trier of fact that he was not mentally and medically cleared. **EXHIBIT 24**, Case 1:13-cr-00435-TDS, Document 153, Filed 10/17/18, Page 2 of 11, EXHIBIT INDEX PAGE 291 OF 317: “On September 20, 2018, Thursday, some of my memories may have been blacked out. I was under an extreme amount of stress and anxiety already due to the pre-filing injunction motion...My mom had also noticed that my doors were not being kept locked, I was psychologically afraid to sleep in my bed. Sometimes sleeping on the couch and I had a bad feeling something bad would happen to me.”. **EXHIBIT 24**, Case 1:13-cr-00435-TDS, Document 153, Filed 10/17/18, Page 2 of 11, EXHIBIT INDEX PAGE 291 OF 317: “ON SEPTEMBER

18th, 2018, Somebody was in the thicket at the end of my neighbor's property and branches moved whenever I looked in that direction. I was around the period when I was mowing the grass between the time period of 1 to 4PM. That was a tuesday. Likely surveilling me.” These statements were written on September 27, 2018. Six days reportedly after Defendant was arrested. Not psychologically cleared, his statements at that time sounded bazaar and goes along with the carbon monoxide gas poisoning (**EXHIBIT 22**) theory. Carbon monoxide gas found in Apartment of Brian David Hill has been proven with evidence of Pete Compton witness letter, the photographs of the white residue and damage in Defendant’s apartment and the carbon monoxide gas induced damage had got worse while Defendant was in jails in late September 2018, October 2018, November 2018, December 2018, and January 2019 until the source of the carbon monoxide gas had been removed. Carbon monoxide gas had been proven, the levels had not been documented due to lab work ordered but then deleted from the chart of Defendant’s medical records.

15. It is clear that Defendant was not medically and psychologically cleared based on all of the material and relevant evidence not just with Exhibits supportive of this motion and attached to this motion. Defendant made paranoid statements and statements of being drugged and having blacked out memories in an affidavit to the Federal Courthouse in September 27, 2018 STATUS REPORT. It was mailed to the wrong address and had to be re-mailed in October of 2018. Therefore

it was clear that Defendant was not mentally in his right state of mind. With the passage of Virginia Code § 19.2-271.6. “Evidence of defendant's mental condition admissible; notice to Commonwealth”, it is clear under law that the psychosis, his weird psychological writings in his September 27, 2018 STATUS REPORT filed in October, 2018, it is all relevant and material as well as admissible to the Circuit Court as admissible evidence. This evidence proves that Defendant was not psychologically and medically cleared as asserted by Martinsville Police Officer Robert Jones.

16. This means the requirement under the Tweed Standard and Odum Standard (Supreme Court of Virginia) that the evidence could not have been secured or be made available at the time of Trial (Citation in part: “...(2) could not have been secured for use at the trial in the exercise of reasonable diligence by the movant”) because at that time it was not admissible until the passage of Virginia Code § 19.2-271.6 in the year of 2021. So prior to the passage of that law, psychosis could not have been admissible as evidence in any year prior to the passage of that statute. The evidence is now all admissible and material or relevant or both. The mental evaluator Dr. Rebecca Loehner who conducted the mental evaluation as ordered by the General District Court in this case, was not aware of Defendant’s written statements which sounded paranoid and exhibited psychosis six days after his arrest on September 27, 2018, see **EXHIBIT 24** which is federal

court document #153. Dr. Conrad Daum was not aware of Document #153 but nevertheless thought that Defendant had exhibited an “unknown psychosis” which such psychosis and hallucinations can be caused by carbon monoxide gas (**EXHIBIT 22**) which was proven by Defendant, just not the levels were proven. Defendant made the same statements about the guy in the hoodie in Document #153 and the same statements made to Dr. Conrad Daum to even be given such diagnosis of “psychosis”, see **EXHIBIT 19**.

17. It is clear that all **STATEMENT OF THE FACTS** and all arguments made in this motion support the relief sought. Either a new trial must be had or judgment of acquittal doing away with this criminal charge as unfounded and cannot legally sustain a criminal conviction as a matter of law. The facts being proven to disprove multiple elements of the prosecution’s case by the City of Martinsville and Commonwealth of Virginia warrant that it is an error of fact and error of law to sustain a criminal conviction, because constitutionally the Virginia Constitution and U.S. Constitution requires that all elements of a crime must be met with clear and convincing evidence beyond a reasonable doubt before a jury can convict a criminal defendant. The defendant is presumed innocent, Defendant was presumed innocent until proven guilty beyond a reasonable doubt. All elements must be met, that is a requirement of case law and constitutional law. All

elements have not been met, element of being medically and psychologically cleared has not been met.

18. It is a fundamental miscarriage of justice to convict Defendant any longer in this Circuit Court. The General District Court had no basis to convict the Defendant because all elements of the offense had not been proven by the Commonwealth Attorney. Martinsville Police had the belief Defendant was medically cleared and mentally/psychologically cleared. That is not true. Beliefs under affidavit do not make them true.

19. The U.S. Supreme Court has supported the emphasis that all state courts must not convict people who are factually innocent of a crime otherwise it is a clear and convincing miscarriage of justice and actual prejudice against an innocent person. See Schlup v. Delo, 513 U.S. at 327 — 28. Settles v. Brooks, Civil Action No. 07-812, 18 n.6 (W.D. Pa. Jun. 26, 2008).

20. This Court has no right to deny this motion on the procedural default or procedural ground that it lacks jurisdiction using Rule 1:1 of the Rules of the Supreme Court of Virginia as an excuse. The judge cannot deny this motion on the excuse that it claimed it may lack jurisdiction because it would create a fundamental miscarriage of justice and prove the courts are broken convicting innocent people and demanding legal fees be paid by innocent people for crimes they are not guilty of which is contrary to justice and contrary to Constitutional law

and remedy. Due process of law requires that this Court corrects its errors of fact and errors of law. It is not justice, it is tyranny to convict innocent people without mercy.

21. See *Settles v. Brooks*, Civil Action No. 07-812, 16 (W.D. Pa. Jun. 26, 2008) (“Petitioner counters that this evidence of his actual innocence overcomes the procedural default because to not entertain his **procedurally defaulted claim of actual innocence would result in a complete miscarriage of justice.**”).

22. See Constitution of Virginia; Article I. Bill of Rights; Section 8.

Criminal prosecutions

CITATION: Section 8. Criminal prosecutions. That in criminal prosecutions a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, and to call for evidence in his favor, and he shall enjoy the right to a speedy and public trial, by an impartial jury of his vicinage, without whose unanimous consent he cannot be found guilty. He shall not be deprived of life or liberty, except by the law of the land or the judgment of his peers, nor be compelled in any criminal proceeding to give evidence against himself, nor be put twice in jeopardy for the same offense.

23. See Constitution of Virginia; Article I. Bill of Rights; Section 8.

Criminal prosecutions

Section 11. Due process of law; obligation of contracts; taking or damaging of private property; prohibited discrimination; jury trial in civil cases.

“That no person shall be deprived of his life, liberty, or property without due process of law...”

24. Due process of law requires that this Court act on this motion, due process of law requires that the Commonwealth Attorney be ordered to respond to the claims, arguments, and evidence made in this motion. Due process requires that evidence not be ignored by this Court.

25. If a judge ignores the evidence, it is a due process violation. See *Hunter v. United States*, 548 A.2d 806, (D.C. 1988) (“Because the trial court improperly ignored evidence bearing on appellant's competence to enter a guilty plea, we reverse and remand to the trial court for further proceedings.”) *Lafferty v. Cook*, 949 F.2d 1546, 1555 n.10 (10th Cir. 1992) (“the inquiry on habeas is whether the state court denied the defendant his right to due process by ignoring evidence, including evidence at trial”). *Raghav v. Wolf*, 522 F. Supp. 3d 534, 538 (D. Ariz. 2021) (“Immigration Court violated his due process rights by ignoring evidence of his conditions in India and erroneously applying the law.”). *James v. Bradley*, 19-870-pr, 2 (2d Cir. Mar. 31, 2020) (“James brought this action alleging that Bradley violated his right to procedural due process by ignoring evidence at the hearing that purportedly showed that the tested urine was taken from someone other than James.”).

26. See *Schlup v. Delo*, 513 U.S. at 327 — 28. *Settles v. Brooks*, Civil Action No. 07-812, 18 n.6 (W.D. Pa. Jun. 26, 2008) (“The Supreme Court in *Schlup* explained that an actual innocence claim in the context of seeking to have a



procedural default "forgiven" so as to have the procedurally defaulted claims reviewed on the merits is a "gateway" claim. In other words, the claim of actual innocence in the Schlup context is not a claim that because I am actually innocent by virtue of that fact alone I am entitled to federal habeas relief but, rather, is a claim that contends because I am actually innocent, the court should **forgive my procedural default in the State courts and consider my procedurally defaulted claims on their merits.** Schlup, 513 U.S. at 315.”)

27. Defendant must be adjudged as acquitted or given a new trial under the Tweed Standard and Odum Standard pursuant to Va. R. Sup. Ct. 3A:15, “Rule 3A:15 - Motion to Strike or to Set Aside Verdict; Judgment of Acquittal or New Trial”. Defendant should not be denied relief here. He has disproven three elements of the crime, because Defendant has the proof that he was not medically and psychologically cleared. Mental health evidence which wasn’t admissible prior to the year of became admissible after the year of 2021. Defendant can fully prove to this Court that he was not psychologically cleared as charged and was not medically cleared as charged. Defendant is not guilty of indecent exposure and cannot be convicted because he was not medically cleared, and the Commonwealth can never prove otherwise. They cannot prove otherwise, Defendant is never guilty and cannot and should not be convicted of indecent exposure regardless of whether it is a local ordinance or state statute. There are legal standards required to secure a

criminal conviction of consequences for a crime committed. No crime was committed on September 21, 2018, and no conviction can be secured with three elements of the charge in jeopardy. Sustaining this criminal conviction is an error of law, error of fact, errors of fact, and is a grave and fundamental miscarriage of justice. It is no justice at all, it is a fabrication of justice, and it is fake justice, not even worthy of a criminal record, not even worthy of State Police notation of a criminal record. Conviction of an innocent man is true obstruction of justice by the Commonwealth.

### **CONCLUSION**

1. It is clear that Defendant was not medically and psychologically cleared as charged on September 21, 2018 as proclaimed in **EXHIBIT 0** ARREST WARRANT and CRIMINAL COMPLAINT.

2. It is clear that not all elements of guilt are met, referring to the elements of the charged crime presented by the Commonwealth Attorney Glen Andrew Hall representing City of Martinsville and Commonwealth of Virginia. Defendant was not medically and psychologically cleared as charged. Defendant was not with a clean bill of health. The officer didn't even subpoena for medical records but asserted under oath or affirmation in CRIMINAL COMPLAINT page 3 that Defendant was medically and psychologically cleared. That was a big fat lie.

Officer Jones lied in oath or affirmation or was based on an erroneous belief not based on facts. Defendant was not cleared in the aspect of the charge element.

3. Because Defendant was not medically cleared, intent can never be established even under a trier of fact's broad discretion which such discretion over intent cannot be successfully challenged on appeal alone. However, the evidence that Defendant had psychosis and made paranoid statements and statements of being drugged but lab work which was ordered were deleted by the hospital without a valid explanation or excuse after lab work was ordered on September 21, 2018, on the date of Defendant's arrest. Intent can never be proven and any reasonable juror would find that intent cannot be proven without first fully medically and psychologically clearing the Defendant with a clean bill of health which would include completed laboratory testing and laboratory results. Since there are no completed laboratory testing and laboratory results, AT THE FAULT OF THE HOSPITAL who gave Officer Robert Jones a false impression or belief that Defendant was medically and psychologically cleared when he in fact wasn't according to the evidence and the passage of Virginia Code § 19.2-271.6 in the year of 2021.

4. Defendant said under federal affidavits that he never masturbated and never had sexual gratification. Defendant also tried to show similar arguments in the General District Court trial that he had no sexual gratification. Defendant never

had any sexual gratification because Defendant was not medically and psychologically cleared. Defendant may have been on any street drug or illegal drug or carbon monoxide gas or anything that night at the time he was found naked by Martinsville Police. They never drug tested him but said he was medically and psychologically cleared. That is a proven lie, there is no lab work, and there are no drug tests, no evidence that Defendant had a clean bill of health, not without the laboratory testings checking the levels in his blood. No lab tests were completed, no drug tests were done by Martinsville Police. Defendant can never be proven to have been medically and psychologically cleared as that is a lie, it is only a belief without any supporting evidence proving it. No facts proving medical clearing. Defendant was not cleared and no such impression should have been made of such as that is false statements in a police report. False statements of medical clearing, false statements of being psychologically cleared. It is false at no fault of Defendant. The fault lays at Sovah Health Martinsville. The fault lays at Dr. Brant Hinchman who should be charged with making a false report or contributing false impressions to the police report with Martinsville Police Department or giving false statements or giving false impressions to Martinsville Police Department. Dr. Brant Hinchman of Sovah Health Martinsville aka the local hospital should be tried in court for lying or misleading law enforcement, possibly intentionally. Defendant must be let go and Defendant must be acquitted of this charge, and no

charges should ever result again from September 21, 2018. Defendant was not proven to have been medically cleared without the laboratory forensic lab work and blood alcohol testing. The hospital screwed things up. Defendant should be acquitted of this conviction and charge dismissed at once, the Commonwealth knows that Defendant is innocent of his charge. Scott Albrecht knew Defendant was innocent but did a very poor job at the Trial in the General District Court. Court appointed attorney Scott Albrecht was right all along when he told Defendant that he was innocent of indecent exposure. However, he did a poor job on everything else, except his encouragement to Defendant that he was innocent of his charged crime. That is all folks.

5. The element of Defendant being “medically and psychologically cleared” in **EXHIBIT 0** as charged without clear and convincing evidence by Martinsville Police Department and Sovah Health Martinsville hospital, it was meritless, baseless, frivolous, and without evidence to prove it or support it.

6. The element of Defendant making “an obscene display” in **EXHIBIT 0** as charged without clear and convincing evidence by Martinsville Police Department and Sovah Health Martinsville hospital, it was meritless, baseless, frivolous, and without evidence to prove it. Meritless because obscenity or intent of obscenity cannot be proven without 100% proof of a clean bill of health by the hospital including lab testing results when already ordered and blood already drawn.

7. The element of Defendant intentionally making “an obscene display” in **EXHIBIT 0** as charged without clear and convincing evidence by Martinsville Police Department and Sovah Health Martinsville hospital, it was meritless, baseless, frivolous, and without evidence to prove it. Meritless because obscenity or intent of obscenity cannot be proven without 100% proof of a clean bill of health by the hospital including lab testing results when already ordered, blood drawn.

8. Defendant is innocent, he was not cleared, he was not being obscene, and he had no intent. Unless the Commonwealth of Virginia and City of Martinsville can prove otherwise to the claims, Statement of the Facts, Exhibits, and arguments made in this motion, this Court should grant this motion for judgment of acquittal or order a new trial by jury, without any unnecessary delay.

### **EXHIBITS LIST**

EXHIBITS #	PAGES #	DESCRIPTION
EXHIBIT 0	1-4	PHOTOCOPY OF ARREST WARRANT AND CRIMINAL COMPLAINT IN GENERAL DISTRICT COURT - 09-21-2018
EXHIBIT 1	5-11	A MEDICAL EMERGENCY NOT CRIMINAL by BRIAN HILL’S FAMILY (7-16-2022) – By Kenneth Forinash and Stella Forinash
EXHIBIT 2	12-16	SOVAH HEALTH MARTINSVILLE (LOCAL HOSPITAL) BILLING RECORDS OBTAINED JULY 19, 2022 – DATED SEPTEMBER 21, 2018

EXHIBIT 3	17-18	Definition of peripheral venous catheter - NCI Dictionary of Cancer Terms (cancer.gov) printout by family
EXHIBIT 4	19-21	Virginia Medicaid Claims History For Member Name: Brian Hill - Claims For 11/19/2017 And 9/21/2018
EXHIBIT 5	22-45	USA v. Brian David Hill - 7:18-MJ-00149, December 26, 2018, Supervised Release Revocation Hearing. Transcript completed on May 2, 2022
EXHIBIT 6	46-64	USA v. Brian David Hill - 7:18-MJ-00149, May 14, 2019, Competency/Detention Hearing. Transcript completed on May 2, 2022.
EXHIBIT 7	65-66	Definition of delirium - NCI Dictionary of Cancer Terms (cancer.gov) printout by family
EXHIBIT 8	67-69	REDACTED government letters. First page Letter dated June 9, 2022 and second letter in this exhibit dated July 20, 2022.
EXHIBIT 9	70-85	Medical records from Sovah Health Martinsville (local hospital), dated Sunday, November 19, 2017.
EXHIBIT 10	86-91	Article printout by family, Entitled: "Police: Naked Man High On Bath Salts Chases Down Car", "MARCH 11, 2013 / 9:49 AM / CBS PITTSBURGH"
EXHIBIT 11	92-103	Article printout by family, Entitled: ""Autistic boy, 13, found naked in house filled with human feces and dead rodents: police""
EXHIBIT 12	104-115	Article printout by family, Entitled: "How to Stop Your Autistic Child From Taking Their Clothes Off",

		“Medically reviewed Pilar Trelles, MD”.
EXHIBIT 13	116-120	Article printout by family, Entitled: “Naked girl found walking along I-5 near Ashland”
EXHIBIT 14	121-135	Article printout by family, Entitled: “Tempe police locate guardians of boy found naked, alone Tuesday morning”
EXHIBIT 15	136-137	ORDER IN MISDEMEANOR OR TRAFFIC INFRACTION PROCEEDING
EXHIBIT 16	138-150	MOTION TO WITHDRAW APPEAL
EXHIBIT 17	151-155	TABLE OF CONTENTS of COURT RECORDS OF CIRCUIT COURT filed by Clerk, Hon. Ashby R. Pritchett, dated 05-26-2022 07:00:33 EDT
EXHIBIT 18	156-163	Medical records from Sovah Health Martinsville (local hospital), dated Friday, September 21, 2018.
EXHIBIT 19	164-170	Mental health medical records from Piedmont Community Services, concerning Dr. Conrad Daum patient visit on October 24, 2018.
EXHIBIT 20	171-175	Scanned Photocopies of returned attempted mailings from Martinsville city Jail due to mental confusion caused by carbon monoxide gas exposure - Case 1:13-cr-00435-TDS Document 181-9 Filed 07/22/19 – Note: There is no L. Richardson Preyer Federal Building in Martinsville city.
EXHIBIT 21	176-257	USA v. Brian David Hill - 1:13-CR-00435-1, September 12, 2019, SUPERVISED RELEASE REVOCATION HEARING.



		Transcript completed on Nov. 4, 2019.
EXHIBIT 22	258-259	Witness Letter from Pete Compton; ACE Chimney business & Wildlife, dated: June 13, 2019
EXHIBIT 23	260-288	JUNE 21, 2019 DECLARATION OF BRIAN DAVID HILL IN OPPOSITION TO GOVERNMENT'S/RESPONDENT'S DOCUMENTS #156, #157, AND #158 - Case 1:13-cr-00435-TDS, Document 179, Filed 06/24/19, 28 Pages
EXHIBIT 24	289-300	STATUS REPORT OF PETITIONER SEPTEMBER 27, 2018, RE-MAILED ON OCTOBER 10, 2018
EXHIBIT 25	301-307	Declaration of Brian David Hill in support of continuing Supervised Release, towards innocence in case, Case 1:13-cr-00435-TDS, Document 163, Filed 12/12/18, 6 Pages
EXHIBIT 26	308-312	URGENT!!!! LETTER TO MEDICAID REQUESTING RECORDS REGARDING FINANCIAL BILLING STATEMENTS OF SOVAH HEALTH MARTINSVILLE; REQUESTING FINANCIAL RECORDS OF BRIAN DAVID HILL, REQUESTING RECORDS OF HIMSELF; RECORDS OF LAB WORK ORDERED ON SEPTEMBER 21, 2018 - SATURDAY, JULY 16, 2022
EXHIBIT 27	313-315	LETTER TO SOVAH HEALTH MARTINSVILLE REQUESTING FINANCIAL RECORDS OF BRIAN DAVID HILL, REQUESTING

		RECORDS OF HIMSELF - MONDAY, JULY 11, 2022
EXHIBIT 28	316-317	Scanned photocopy of envelope containing "EXHIBIT 2: SOVAH HEALTH MARTINSVILLE (LOCAL HOSPITAL) BILLING RECORDS OBTAINED JULY 19, 2022 – DATED SEPTEMBER 21, 2018"

**317 pages total, EXHIBIT INDEX PAGES**

**REQUEST FOR COURT TO PROVIDE EQUITABLE RELIEF AND ANY  
OTHER RELIEF**

Therefore, the Defendant prays that this Honorable Court order the following:

1. That the Circuit Court declare or make a factual finding that three elements (medically cleared, intent, obscenity) of the criminal charge on September 21, 2018 in **EXHIBIT 0** were meritless, frivolous, baseless, and without clear and convincing evidence to support that;
2. That the Circuit Court consider ordering a new trial or permanent judgment of acquittal for the criminal charge of Brian David Hill in **EXHIBIT 0**, charged on September 21, 2018, for multiple required elements of guilt lacking the required evidence necessary for a conviction of that charged crime;
3. That the Circuit Court consider vacatur or modification of the wrongful conviction dated November 18, 2019 (**EXHIBIT 15**), and consider a New Trial by Jury or

Judgment of Acquittal dismissing this case against Brian David Hill with prejudice for lack of evidence to sustain a conviction;

4. That the Circuit Court waive and discharge any and all pending legal fees ever taxed, levied, or ordered against Defendant if the Circuit Court had determined that Defendant is innocent and thus should not be held to pay any fees or fines or any protected SSI disability money since Defendant is innocent;
5. That the Circuit Court waive and discharge any and all pending legal fees ever owed by the Defendant pursuant to all legal matters and cases that had begun from the original charge and prosecution on September 21, 2018, if the Circuit Court had determined that Defendant is innocent and thus should not be held to pay any fees or fines or any protected SSI disability money since Defendant is innocent;
6. That the Circuit Court consider providing any other relief or remedy that is just and proper, in the proper administration of justice and integrity for the Court.

Respectfully submitted with the Court, This  
the 28th day of August, 2022.

  
Signed

Brian D. Hill

Brian D. Hill  
Defendant



Former news reporter of U.S.W.G.O. Alternative News  
Ally of Q  
310 Forest Street, Apartment 2  
Martinsville, Virginia 24112  
(276) 790-3505



JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com

## **CERTIFICATE OF SERVICE, CERTIFICATE OF FILING**

I hereby certify that a true and accurate copy of the foregoing Motion was faxed or emailed/transmitted by my Assistant Roberta Hill at [rbhill67@comcast.net](mailto:rbhill67@comcast.net) (due to Probation Conditions of not being allowed to use the Internet) or delivered this 28th day of August, 2022, to the following parties:

1. Commonwealth of Virginia
2. City of Martinsville

by having representative Roberta Hill filing his pleading on his behalf with the Court, through email address [rbhill67@comcast.net](mailto:rbhill67@comcast.net), transmit/faxed a copy of this pleading to the following attorneys who represent the above parties to the case:

Glen Andrew Hall, Esq. Commonwealth Attorney's Office for the City of Martinsville 55 West Church Street P.O. Box 1311 Martinsville, Virginia 24114/24112 Attorney for the Commonwealth Phone: (276) 403-5470	Hon. Ashby R. Pritchett, Clerk of the Court Circuit Court for the City of Martinsville Phone: 276-403-5106 Fax: 276-403-5232 55 West Church Street, Room 205 P.O. Box 1206
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Fax: (276) 403-5478 Email: <a href="mailto:ahall@ci.martinsville.va.us">ahall@ci.martinsville.va.us</a>	Martinsville, VA 24114 Email: <a href="mailto:apritchett@vacourts.gov">apritchett@vacourts.gov</a>
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The reason why Brian David Hill must use such a representative to serve such pleading with the Clerk on his behalf is because Brian is currently still under the conditions of Supervised Release for the U.S. District Court barring internet usage without permission. Brian's Probation Officer is aware of Roberta Hill using her email for conducting court business concerning Brian Hill or court business with the Probation Office in regards to Brian David Hill. Therefore Roberta Hill is filing the pleading on Brian's behalf for official court business. Brian has authorized her to file the pleading. All exhibits or any exhibits with anything printed from any internet based service was printed and researched by Roberta Hill.

That should satisfy the Certificate of Service regarding letters/pleadings during the ongoing Covid-19 pandemic. If the Court wishes to contact the filer over any issues or concerns, please feel free to contact the filer Brian David Hill directly by telephone or by mailing. They can also contact c / o Roberta Hill at [rbhill67@comcast.net](mailto:rbhill67@comcast.net) and request that she forward the message and any documents or attachments to Brian David Hill to view offline for his review.

*Brian D. Hill*  
*Signed*

**Brian D. Hill**

Brian D. Hill

Defendant

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

(276) 790-3505

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# **EXHIBIT 0: PHOTOCOPY OF ARREST WARRANT AND CRIMINAL COMPLAINT IN GENERAL DISTRICT COURT - 09-21-2018 for**

attached to: "MOTION FOR JUDGMENT OF ACQUITTAL  
OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED  
UPON NEW EVIDENCE WHICH DISPROVES THE  
ELEMENTS OF CHARGED CRIME BY PROSECUTION,  
EVIDENCE WARRANTING NEW TRIAL OR  
ACQUITTAL"  
by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville, Virginia

Ally of Q, Former news reporter of USWGO Alternative News



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**WARRANT OF ARREST—MISDEMEANOR (LOCAL)**

COMMONWEALTH OF VIRGINIA Va. Code § 19.2-71, -72

Martinsville

CITY OR COUNTY

☒ General District Court ☒ Criminal ☐ Traffic  
☐ Juvenile and Domestic Relations District CourtMartinsville☒ City ☐ County ☐ Town

TO ANY AUTHORIZED OFFICER:

You are hereby commanded in the name of the Commonwealth of Virginia forthwith to arrest and bring the Accused before this Court to answer the charge that the Accused, within this city or county, on or about 09/21/2018 did unlawfully in violation of Section

DATE

**13-17/18.2-387**

Code or Ordinances of this city, county or town: intentionally make an obscene display of the accused's person or private parts in a public place or in a place where others were present.

I, the undersigned, have found probable cause to believe that the Accused committed the offense charged, based on the sworn statements of

**SGT. R.D. JONES MPD**

Complainant.

Execution by summons ☐ permitted at officer's discretion. ☒ not permitted.

09/21/2018 05:35 AM

DATE AND TIME ISSUED

Courtney D. Reid☐ CLERK ☒ MAGISTRATE ☐ JUDGE  
Courtney D. Reid

VIRGINIA

of Martinsville Circuit Court  
Clerk's Office.

Received and Filed this the

9th Day of January 2019  
12:21 P.M.

Teller: [Signature]DNA SAMPLE (on file)CASE NO. C18-3138

ACCUSED:

Hill, Brian David

LAST NAME, FIRST NAME, MIDDLE NAME

310 Forest St Apt 2

ADDRESS/LOCATION

Martinsville, VA 24112

To be completed upon service as Summons

Mailing address ☐ Same as above

RACE	SEX	BORN	HT.	WGT.	EYES	HAIR
		MO. DAY YR.	FT. IN.			
W	M	05/26/1990	6' 00"	150	BLU	BRO

SSN

-0319

DL#

STATE

☐ Commercial Driver's License**CLASS 1 MISDEMEANOR**

- ☒ EXECUTED by arresting the Accused named above on this day:  
☐ EXECUTED by summoning the Accused named above on this day:  
☐ For legal entities other than individuals, service pursuant to Va. Code § 19.2-76.

9/21/180538

DATE AND TIME OF SERVICE

R Jones

ARRESTING OFFICER

22 MPD 113

BADGE NO., AGENCY AND JURISDICTION

for

SHERIFF

Attorney for the Accused:

Pub. Def.

Short Offense Description (not a legal definition):  
**INDECENT EXPOSURE**

Offense Tracking Number:

**690GM1800003560**

FOR ADMINISTRATIVE USE ONLY

Virginia Crime Code:

**OBS-3713-01**

Hearing Date/Time

10-05-18 **(BWT)**3:00 PM12-21-1810:45 AM**LOCAL**

Case  
Appealed  
Please & Remove  
H

NONE may be required

## EXHIBIT INDEX PAGE 3 OF 317

The Accused was this day:

☐ tried in absence ☒ present☒ PROSECUTING ATTORNEY PRESENT (NAME)☒ DEFENDANT'S ATTORNEY PRESENT (NAME)☐ NO ATTORNEY ☐ ATTORNEY WAIVED☐ If convicted, no jail sentence will be imposed☐ INTERPRETER PRESENT☐ Certified pursuant to § 19.2-190.1.

Plea of Accused:

☒ not guilty ☐ Witnesses sworn☐ nolo contendere☒ guilty ☐ Plea voluntarily and intelligently entered after the defendant was apprised of his right against compulsory self-incrimination and his right to confront the witnesses against him.☐ Plea and Recommendation

And was TRIED and FOUND by me:

☐ not guilty ☒ guilty as charged☐ guilty of .....  
VCC .....☐ facts sufficient to find guilt but defer  
adjudication/disposition to .....

DATE AND TIME

and place accused on probation, §§ 4.1-305, 18.2-57.3, 18.2-251 or 19.2-303.2.

☐ A separate order for First Offender is  
attached and incorporated in this order.☐ Costs imposed upon defendant.

DATE

JUDGE

And was FOUND by me to be:

☐ driving a commercial motor vehicle☐ carrying hazardous materials☐ I ORDER a nolle prosequi on prosecution's motion☐ I ORDER the charge dismissed ☐ with prejudice☐ conditioned upon payment of costs and☐ successful completion of☐ traffic school☐ mature driver school, § 16.1-69.48:1.☐ accord and satisfaction, § 19.2-151.☐ under §§ 4.1-305, 18.2-57.3, 18.2-251 or  
19.2-303.2.☐ Guilty – upon a violation of a term or condition of a  
deferred adjudication/disposition.

I impose the following Disposition:

☐ FINE ☐ CIVIL PENALTY of \$ .....

with \$ ..... suspended

☒ JAIL SENTENCE of 30 daysimposed, ☐ of which ..... days

mandatory minimum, with ..... suspended

for a period of ....., conditioned  
upon being of good behavior, keeping the peace, obeying this  
order and paying fines and costs. Credit is allowed pursuant to  
§ 53.1-187 for time spent in confinement.☐ Serve jail sentence beginning .....☐ on weekends only☐ Work release ☐ authorized if eligible ☐ required☐ not authorized☐ Public work force ☐ authorized ☐ not authorized☐ on PROBATION for .....☐ VASAP ☐ local community-based probation agency☐ Monitoring by GPS/other tracking device☐ DRIVER'S LICENSE suspended for .....☐ Restricted Driver's License per attached order☐ Ignition Interlock for .....☐ RESTITUTION order incorporated☐ Restitution payment is a condition of suspended  
sentence☐ COMMUNITY SERVICE ..... hours to be

completed by .....

and supervised by .....

☐ to be credited against fines and costs☐ Contact prohibited between defendant and victim/ victim's  
family or household members☐ Other: .....☐ Reimburse Commonwealth for investigatory medical fees☐ Pay \$50 to the Court for Trauma Center Fund☐ Bail on Appeal \$ .....☐ Remanded for ☐ CCRE Report ☐ .....

DRIVER'S LICENSE/PRIVILEGE TO DRIVE IN VIRGINIA

SUSPENDED EFFECTIVE IN 30 DAYS IF FINES, COSTS,

FORFEITURES, PENALTIES OR RESTITUTION ARE NOT

PAID. Va. Code § 46.2-395.

DATE

JUDGE

Offense Tracking Number: 690GM1800003560

FINE

LOCALITY

COSTS

223 LIQUIDATED DAMAGES .....

461 FIXED MISD FEE 61-00

462 FIXED DRUG MISD FEE .....

001 INT CRIM CHILD FEE 15-00

113 WITNESS FEE .....

113 IGNITION INTERLOCK .....

113 DUI FEE .....

113 DNR 38-00

233 15-00

121 TRIAL IN ABSENCE FEE .....

133 BLOOD TEST FEE .....

137 TIME TO PAY 10-00

192 TRAUMA CENTER FEE .....

202 WITNESS FEE .....

217 CT. APPT. ATTY 120-00

228 COURTHOUSE .....

CONSTRUCTION FEE

234 JAIL ADMISSION FEE 25-00

243 LOCAL TRAINING .....

ACADEMY FEE

244 COURTHOUSE .....

SECURITY FEE

OTHER (SPECIFY):

241 5.00

TOTAL \$ 299.00

☐ Stay of the proceedings pursuant to § 16.1-131.1

DATE

JUDGE

2434



## CRIMINAL COMPLAINT

RULES 3A:3 AND 7C:3

Commonwealth of Virginia

Martinsville

CITY OR COUNTY

☒ General District Court☐ Juvenile and Domestic Relations District Court

Under penalty of perjury, I, the undersigned Complainant swear or affirm that I have reason to believe that the Accused committed a criminal offense, on or about

09/21/2018

DATE OFFENSE OCCURRED

in the ☒ City ☐ County ☐ Town

of Martinsville

I base my belief on the following facts: (Print ALL information clearly.)

On the above date I responded to the area of Pine St. at the steps for the Dick and Willie Trail due to a naked white male that had been seen running on Hooker St from Church St. Officers were in the area of Hooker St and had not located the male. I walked down the steps to the trail where i herd foot steps coming towards me. I could see a person walking on the trail and they stopped. I signed my light on the male and he turned and ran. He was naked except for his shoes and socks. The male had items in his hand when he ran. I chased the suspect off the left side of the trail down a bank and into the creek. I was yelling stop and show me your hands during the chase. When the male was detained he was read Miranda and started talking about a black male in a hoodie made him get naked and take pictures of himself. He was transported to the hospital due to knee pain. While at the Hospital he stated that he was alone when he took the photos of himself and he gave Ofc. Warnick promising to view his camera. On the Camera was several photo of himself naked around the city. He was medically and psychologically cleared. He was arrested for indecent Exposure. Mr. Hill's clothing was located in his bag. All took place in the city.

The statements above are true and accurate to the best of my knowledge and belief.

In making this complaint, I have read and fully understand the following:

By swearing to these facts, I agree to appear in court and testify if a warrant or summons is issued.

The charge in this warrant cannot be dismissed except by the court, even at my request.

Sgt. R. Jones #220

NAME OF COMPLAINANT (LAST, FIRST, MIDDLE)  
(PRINT CLEARLY)

SIGNATURE OF COMPLAINANT

Subscribed and sworn to before me this day.

09/21/2018 05:35 AM

DATE AND TIME

☐ CLERK ☐ MAGISTRATE ☐ JUDGE

x

Courtney D. Reid

## CRIMINAL COMPLAINT

ACCUSED: Name, Description, Address/Location

Hill, Brian David

LAST NAME, FIRST NAME, MIDDLE NAME

310 Forest St Apt 2

Martinsville, VA 24112

## COMPLETE DATA BELOW IF KNOWN

RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
W	M	Mo.	DAY	YR.	FT.	IN.			
		05	26	90	6	0	150	BLU	BRN

SSN

-0319

☐ Complainant is not a law-enforcement officer or animal control officer. Authorization prior to issuance of felony arrest warrant given by  
☐ Commonwealth's attorney  
☐ Law-enforcement agency having jurisdiction over alleged offense

NAME OF PERSON AUTHORIZING ISSUANCE OF WARRANT

DATE AND TIME AUTHORIZATION GIVEN

13-17 Indecent Exposure

**EXHIBIT 1: A MEDICAL  
EMERGENCY NOT CRIMINAL by  
BRIAN HILL'S FAMILY (7-16-2022) –  
By Kenneth Forinash and Stella Forinash  
for**

attached to: "MOTION FOR JUDGMENT OF ACQUITTAL  
OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED  
UPON NEW EVIDENCE WHICH DISPROVES THE  
ELEMENTS OF CHARGED CRIME BY PROSECUTION,  
EVIDENCE WARRANTING NEW TRIAL OR  
ACQUITTAL"  
by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville, Virginia

Ally of Q, Former news reporter of USWGO Alternative News  
JUSTICEFORUSWGO.WORDPRESS.COM



**A MEDICAL EMERGENCY NOT CRIMINAL by BRIAN HILL'S FAMILY (7-16-2022)**

Police receive a call at 4 in the morning. A 28 year old man was running down a walking trail in Martinsville, VA in the nude at 4 AM in the morning. Why? Was he intentionally trying to be obscene or was this an emergency? Police find out that he is on the sex registry and is on probation. He is treated like a criminal, arrested and put in jail. The judge ignores his mom's testimony about carbon monoxide poisoning in their apartments and how this affected both of them for 11 months at the time of this incident. Carbon monoxide poisoning was discovered 4 months after this incident by a chimney expert. The judge ignores his probation officer's testimony about how Brian has autism, OCD and is a brittle diabetic, has known Brian for 4 years as his probation officer. This probation officer told the court Brian has been respectful of him for those 4 years and continued talking about being innocent of the first crime that put him on the sex registry. The judge takes the word of the police over the testimony of Brian's Mom & medical caretaker and Brian's federal court appointed probation officer who has known Brian and worked with Brian for 4 years and has copies of his medical records. Due to no investigation being done by the police department of Martinsville, VA and no medical test being done at the hospital that night, Brian, his family and the court does not know what his glucose was, what his carbon monoxide levels were from 11 months of carbon monoxide in his system or if there were drugs in his system. Did Brian leave the house alone or was he removed from his house and forced to be in the nude by someone else? Did he leave the house with nothing and was given the backpack and pink camera by someone he met on the walking trail that night? Looking at the hospital records to try to get some answers, Brian and his family found out that even though the hospital records clearly showed that Brian had diabetes requiring insulin and autism, there were no glucose results or no blood test results at all to tell us what his carbon monoxide level was or if there were any drugs or alcohol in his system. The hospital emergency room only kept him there for an hour, not enough time to

even tell what his mental condition was. Did Brian take those photos of himself or did someone else take them? Was this a result of his autism? Did this have something to do with his brittle diabetes? Did this have something to do with his OCD?

Brian and his family discovered at the probation hearing that the police who arrested Brian did not know that Brian had diabetes or OCD. He did tell the court that Brian told him that he had autism. He admitted to the court that he didn't have a lot of training in autism. Apparently Americans with disabilities is not important in this court because nothing was brought out about what the police did to aid Brian after he found out that Brian had autism nor was he asked if he believed that Brian had autism. (1:13-cr-00435) Document 307 Attachments 1-10 Apr. 20, 2022)

This causes Brian's family and should cause the court to ask some important questions for justice to be done. Here is a person with autism, brittle diabetes with seizure history and OCD walking & running on a walking trail miles from his home by himself in the nude for hours, is this normal or abnormal behavior? Why did this arresting police officer not know that Brian had diabetes requiring insulin when glucose is high or glucose tabs when it is low? Did he do an investigation? How can a person with a medical history of type 1 diabetes (brittle diabetes) with seizure history since the age of 2, PDD diagnosis since the age of 3, autism spectrum disorder diagnosis since the age of 4 suddenly be "Medically cleared"? Why did this arresting police officer not know that Brian had type 1 diabetes requiring insulin or glucose tabs? Why did he not know that Brian had OCD? Did Brian not tell him? Was Brian so far out of it mentally that night that he did not even know that he was diabetic himself? Where was the glucose monitor that Brian always takes with him when he leaves his house to go walking? Where were the emergency glucose tabs that he always keeps in his camera bag when he leaves his house? Where were his insulin pens he always takes with him if his blood glucose is high? Where were his emergency cards telling others that he has diabetes

requiring insulin, autism and OCD? Where was his germ x hand sanitizer that he keeps with him at all times at home and away from home due to his OCD?

Even the prosecuting attorney said he was out there in the nude “for whatever reason”.

Was Brian in any condition to actually take those photos of himself? Where was Brian’s camera bag that he always takes with him when he leaves his house? Police said he had a back pack (not a camera bag). Brian’s family saw the back pack. Brian’s mom did not recognize it as belonging to Brian. Brian’s grandparents noticed that it was smaller than Brian’s backpacks are. Where did Brian get the backpack from? The camera the court showed at the hearing was a small pink camera. It was not Brian’s camera. Brian always takes a large black camera with him, extra batteries, extra sd cards, tripod, etc. Where were his camera, the batteries & extra sd cards and tripod? The police testified that Brian was wearing a ski cap. Brian never wears that type hat. Where did he get that cap? Every time Brian leaves the house, he is either wearing no hat or wearing a baseball type hat. We have thousands of photos taken of Brian David Hill from 2008-2022 of Brian with a large camera bag, large black camera, large backpacks, wearing a baseball cap or no cap at all. You will not find any photos of Brian with a pink camera or wearing a ski (cap) or with that particular backpack that he had that night. Brian’s family have never seen Brian take “selfies” of himself, only photos of flowers, animals, scenery (nature photos). How can police and the courts take a medical emergency (or perhaps that night Brian was a victim of a criminal act) and turn it into a crime he committed with jail, prison and 4 more years of probation? This court has not proven intent, and in every crime, there has to be “intent”.

ALL this court has proven is that a man age 28 who has brittle type 1 diabetes, seizure history, autism spectrum disorder and obsessive compulsive disorder was running down a walking trail in the nude in the middle of the night while his mom who is his paid care taker (paid for 5

hours per day 7 days a week) by a Virginia Medicaid waiver to assist this disabled man was at home asleep as was also his 2 emergency medical backups (his grandparents) were in 2 different homes asleep and not aware that Brian was out of the house by himself without any medical supplies at all carrying a backpack and a camera that didn't belong to him and wearing a cap that was not his (many photo proofs). The court can't explain why he was out there like that. He was on a walking trail (not a park – no play equipment) miles from his home. What were his intentions? The court did not prove if he had intentions to do this or what his intentions were. (1:13-cr-00435) Document 307 Attachments 1-10 Apr. 20, 2022)

Constitution? What does the constitution say? **Section. 2.** “The Trial of all Crimes, except in Cases of Impeachment, shall be by jury; and such Trial shall be held in the State where the said Crimes shall have been committed”.

[https://billofrightsinstitute.org/primary-sources/constitution?qclid=EAlalQobChMltlHBs5z9-AIVoubjBx1cnwflEAAYASAAEgJkfvD\\_BwE](https://billofrightsinstitute.org/primary-sources/constitution?qclid=EAlalQobChMltlHBs5z9-AIVoubjBx1cnwflEAAYASAAEgJkfvD_BwE)

**Amendment VI:** “In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation;” This happened in Virginia not North Carolina. Probation officer was in Virginia, police officer was in Virginia, hospital is in Virginia, house with carbon monoxide was in Virginia and Brian lived in and is a citizen of Virginia.

**Amendment VIII:** “Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted” Months in jail or prison, 4 more years of probation for someone with brittle diabetes, seizures, autism and OCD who was exposed to carbon monoxide poisoning in his home for 11 months and was set up with child porn on his computer in 2012 and innocent of the first crime is cruel and unusual punishment.

**Section 1.** All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The Ninth Amendment of the United States Constitution states that the federal government doesn't own the rights that are not listed in the Constitution, instead, they belong to the people.



The Tenth Amendment says that **the Federal Government only has those powers delegated in the Constitution**. If it isn't listed, it belongs to the states or to the people. Virginia now has a law that if a person has autism spectrum disorder, that must be taken in consideration in all criminal trials. This deals with "intent". Under Virginia Code 19.2-303.6. Autism Legal Rights.

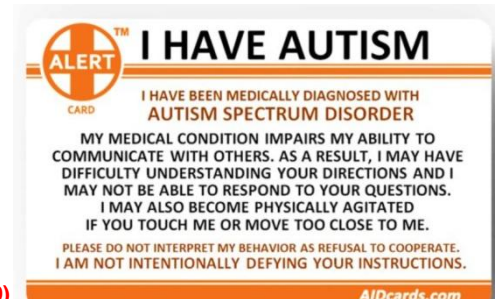


Brian Hill 9/12/2018 Black camera, baseball hat – camera bag - Brian in May, 2018 – black camera. Camera bag, baseball hat

Cards from Amazon, etc. similar to what Brian would carry but according to the arresting police officer, Brian did not have any of these on that night. His clothes were in the small backpack he was carrying that his mom did not recognize.



(1:13-cr-00435) Document 307 Attachments 1-10)



Amazon photo for diabetic supplies (insulin pens, glucose meter, test strips)



BOVKE Travel Case for Diabetic Supplies, Storage Case for Insulin Pens, Glucose Meters, Test Strips,...



Walgreens Glucose Tablets Orange -...  
\$1.79



ReliOn Fruit Punch Glucose T...  
walmart.com



GERM X Hand Sanitizer.



Accessories at Ritz Camera. Free ...  
ritzcamera.com

(1:13-cr-00435) Document 307 Attachments 1-10 Apr. 20, 2022)



Brian's camera bag in 2009



Brian getting ready to tour caverns in VA 7/13/2022

Brian did not have any emergency type 1 diabetic or autism cards with him, no emergency medical supplies, no camera supplies, red camera – not his large black camera he always takes with him. Had a small back pack, not his camera bag. He was wearing a ski cap, not his baseball cap. He did not tell the police or the hospital that he had type 1 brittle diabetes. He left his home in the middle of the night without his mom (medical caretaker), was walking miles from home on a walking trail without any clothes on his body, was sitting on benches – Brian is super conscious of germs (OCD), had no hand sanitizer with him. He was walking around where there are snakes & wild animals without anything to protect him. He had 2 flashlights. Did they belong to him or someone else? We don't know. Does the court know? There were no police investigations. Police didn't even talk to Brian's family. We thought we would find some answers from the hospital records. We found out that all blood tests were deleted, and the hospital had no records of Brian's blood test. We don't know if Brian's blood glucose was normal, high or low because even though the hospital has on record that he is type 1 diabetic who uses insulin, has autism & OCD. Hospital did no blood glucose test at all.

How can any court under these circumstances say that he is guilty of Indecent exposure? Every person who intentionally makes an obscene display or exposure of his person, or the private parts thereof, in any public place, or in any place where others are present, or procures another to so expose himself, shall be guilty of a Class 1 misdemeanor. INTENTIONALLY? What was his INTENT? Is a medical emergency considered "INTENT"? Does this medical emergency require months in jail and 4 more years probation? (1:13-cr-00435) Document 307 Attachments 1-10 Apr. 20, 2022)



# **EXHIBIT 2: SOVAH HEALTH MARTINSVILLE (LOCAL HOSPITAL) BILLING RECORDS OBTAINED JULY 19, 2022 – DATED SEPTEMBER 21, 2018 for**

attached to: “MOTION FOR JUDGMENT OF ACQUITTAL  
OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED  
UPON NEW EVIDENCE WHICH DISPROVES THE  
ELEMENTS OF CHARGED CRIME BY PROSECUTION,  
EVIDENCE WARRANTING NEW TRIAL OR  
ACQUITTAL”

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville,  
Virginia

Ally of Q, Former news reporter of USWGO Alternative News  
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## EXHIBIT INDEX PAGE 13 OF 317

PATIENT NO:	7806761243	SOVAH HEALTH	BILLING DATE	PAGE	1	02781
MED REC NO:	370912	320 HOSPITAL DR	07/14/22			
GUARANTOR NO:						
PATIENT:		MARTINSVILLE	VA 241121900	ADMITTED		DISCHARGED
HILL BRIAN D				09/21/18		09/21/18

PAY TO ADDRESS: SOVAH HEALTH  
PO BOX 742401  
ATLANTA  
GA 303742401

## BILL TO:

HILL BRIAN D  
310 FOREST ST  
APT 2  
MARTINSVILLE VA 24112

EMERGENCY FC=09  
INFORMATION BILL, SPECIFIED PERIOD OF TIME  
FROM 09/21/18 THRU 09/21/18

DATE OF SERVICE	BATCH REF	F DEPT S	PROC	NDC/CPT-4/ HCPCS	QTY	SERVICE DESCRIPTION	CHARGES
258-IV SOLUTIONS							
092118	21B597	0715	170363	J7030	1	IV NACL .9% 1000ML	157.00
SUBTOTAL:							157.00
260-IV THERAPY							
092118	23B781	0780	800397	96360	1	IV HYDRATION 1ST HR	585.00
SUBTOTAL:							585.00
270-MED SURG SUPPLY							
092118	22B696	0718	232334		1	SENSOR FETAL O2	130.00
092118	22B696	0718	230760		1	CUFF B/P DISP	50.00
092118	22B696	0718	232781		1	OXISENSOR DISP	198.00
092118	22B696	0718	232295		1	TUBING HEPLOCK	32.00
092118	22B696	0718	230633		1	CATH IV	66.00
092118	22B696	0718	232137		1	TUBING SECONDARY	21.00
SUBTOTAL:							497.00
272-MED SURG SUPPLY/STERILE							
092118	22B696	0718	232646		1	KIT IV LATEX FREE	56.00
SUBTOTAL:							56.00
450-EMERG ROOM							
092118	22B696	0780	800388	9928525	1	ER VISIT LEVEL V	2555.00
SUBTOTAL:							2555.00

THANK YOU FOR CHOOSING SOVAH  
MARTINSVILLE FOR YOUR HEALTHCARE NEEDS

## EXHIBIT INDEX PAGE 14 OF 317

PATIENT NO:	7806761243	SOVAH HEALTH	BILLING DATE	PAGE	2	02781
MED REC NO:	370912	320 HOSPITAL DR	07/14/22			
GUARANTOR NO:						
PATIENT:		MARTINSVILLE	VA 241121900	ADMITTED		DISCHARGED
HILL BRIAN D				09/21/18		09/21/18

DATE OF SERVICE	BATCH REF	F DEPT S	PROC	NDC/CPT-4/ HCPCS	QTY SERVICE DESCRIPTION	CHARGES
636-DRUGS/DETAIL CODE						
092118	21B597	0712	123638	90714	1 TET\DIPHTOXOID PF J	137.00
SUBTOTAL:						137.00
771-VACCINE ADMIN						
092118	23B781	0780	800230	90471	1 IMMUNIZATION ADMIN	120.00
SUBTOTAL:						120.00
TOTAL ANCILLARY CHARGES						4107.00
TOTAL CHARGES						4107.00
PAYMENTS						.00
ADJUSTMENTS						.00
BALANCE						4107.00

THANK YOU FOR CHOOSING SOVAH  
MARTINSVILLE FOR YOUR HEALTHCARE NEEDS

PATIENT NO:	7806761243	SOVAH HEALTH	BILLING DATE	PAGE	3	02781
MED REC NO:	370912	320 HOSPITAL DR	07/14/22			
GUARANTOR NO:						
PATIENT:		MARTINSVILLE	VA 241121900	ADMITTED		DISCHARGED
HILL BRIAN D				09/21/18		09/21/18

## DEPARTMENTAL CHARGE SUMMARY

DEPT	DESCRIPTION	AMOUNT
0712	PHARMACY	137.00
0715	IV SOLUTIONS - ADMIN	157.00
0718	MEDICAL SERVICES	553.00
0780	EMERGENCY SERVICES	3,260.00

## REVENUE CHARGE SUMMARY

REV CD	DESCRIPTION	BILLABLE	NON-BILLABLE	TOTAL
0258	IV SOLUTIONS	157.00	.00	157.00
0260	IV THERAPY	585.00	.00	585.00
0270	MED SURG SUPPLY	497.00	.00	497.00
0272	MED SURG SUPPLY/STERILE	56.00	.00	56.00
0450	EMERG ROOM	2,555.00	.00	2,555.00
0636	DRUGS/DETAIL CODE	137.00	.00	137.00
0771	VACCINE ADMIN	120.00	.00	120.00

TOTAL CHARGES: 4,107.00

TOTAL PAYMENTS: .00

TOTAL ADJUST: .00



## EXHIBIT INDEX PAGE 16 OF 317

SOVAH HEALTH										SOVAH HEALTH										3a PAT. CNTL # 7806761243										4 TYPE OF BILL 0131																																																	
320 HOSPITAL DR										PO BOX 742401										b. MED. REC. # 000000370912																																																											
MARTINSVILLE VA 241121900										ATLANTA GA30374										5 FED. TAX NO. 20-2028539										6 STATEMENT COVERS PERIOD FROM 092118 THROUGH 092118																																																	
8042673700																																																																															
8 PATIENT NAME a										9 PATIENT ADDRESS a										b10 FOREST ST, APT 2																																																											
b HILL, BRIAN D.										b MARTINSVILLE										c VA										d 24112																																																	
10 BIRTHDATE 05261990										11 SEX M										12 DATE										13 ADMISSION 13 HR 14 TYPE 15 SRC 16 DHR 17 STAT 21										18 19 20 21										22 23 24 25 26 27 28										29 ACDT STATE 30																			
31 OCCURRENCE CODE 11										32 OCCURRENCE DATE 092118										33 OCCURRENCE CODE A1										34 OCCURRENCE DATE 052690										35 OCCURRENCE CODE										36 OCCURRENCE DATE										37 OCCURRENCE DATE																			
38 VIRGINIA PREM ELITE PLUSZ										PO BOX 4369										RICHMOND, VA 23220										39 CODE a A3										40 VALUE CODES AMOUNT 410700										41 CODE										42 VALUE CODES AMOUNT																			
43 REV. CD.										43 DESCRIPTION										44 HCPCS / RATE / HIPPS CODE										45 SERV. DATE										46 SERV. UNITS										47 TOTAL CHARGES										48 NON-COVERED CHARGES										49									
1 0450										ER VISIT LEVEL V										99285 25										092118										1										385000																													
2 0636										N449281021588ML1										90714										092118										1										13700																													
3 0771										IMMUNIZATION ADMIN										90471										092118										1										12000																													
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# **EXHIBIT 3: Definition of peripheral venous catheter - NCI Dictionary of Cancer Terms (cancer.gov) printout by family for**

attached to: "MOTION FOR JUDGMENT OF ACQUITTAL  
OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED  
UPON NEW EVIDENCE WHICH DISPROVES THE  
ELEMENTS OF CHARGED CRIME BY PROSECUTION,  
EVIDENCE WARRANTING NEW TRIAL OR  
ACQUITTAL"

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Case no. CR19000009-00, Circuit Court, City of Martinsville,  
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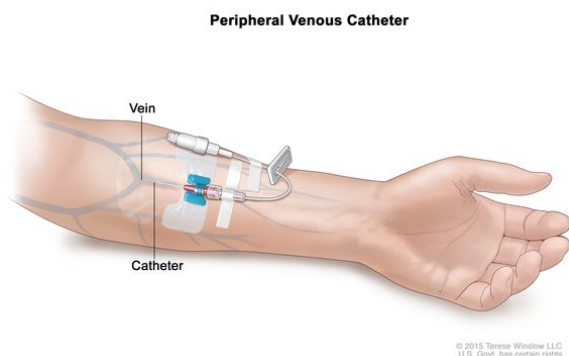




## peripheral venous catheter

(peh-RIH-feh-rul VEE-nus KA-theh-ter)

A device used to draw blood and give treatments, including intravenous fluids, drugs, or blood transfusions. A thin, flexible tube is inserted into a vein, usually in the back of the hand, the lower part of the arm, or the foot. A needle is inserted into a port to draw blood or give fluids.



**Peripheral venous catheter.** A peripheral venous catheter is a thin, flexible tube that is inserted into a vein. It is usually inserted into the lower part of the arm or the back of the hand. It is used to give intravenous fluids, blood transfusions, chemotherapy, and other drugs.

### Search NCI's Dictionary of Cancer Terms

☒ Starts with ☐ Contains

Enter keywords or phrases

Search



# **EXHIBIT 4: Virginia Medicaid Claims History For Member Name: Brian Hill - Claims For 11/19/2017 And 9/21/2018 for**

attached to: "MOTION FOR JUDGMENT OF ACQUITTAL  
OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED  
UPON NEW EVIDENCE WHICH DISPROVES THE  
ELEMENTS OF CHARGED CRIME BY PROSECUTION,  
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by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville,  
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Billing Provider National Provider Identifier (NPI)	Billing Provider Name	Servicing Provider National Provider Identifier (NPI)	Servicing Provider Name	Claim Number	Legacy Claim Number	Service From Date	Service Through Date	Paid Date	Primary Diagnosis Code	Primary Diagnosis Name	Claim Line	Pro-cedure Code	Procedure Name	NDC	Drug Brand Name	Billed Amount	Paid Amount	Claim Enc Code
1033143466	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	\$1,838.00	\$171.86	Total
1033143466	EDNA E EKUBAN-GORDON , MD	1033143466	EDNA E EKUBAN-GORDON , MD	T1804160138747BCPEPO	2018106923412601	11/19/2017	11/19/2017	3/23/2018	S0181XA	Laceration w/o foreign body of oth part	1	99285	EMERGENCY DEPT VISIT			\$1,450.00	\$122.22	Y
1033143466	EDNA E EKUBAN-GORDON , MD	1033143466	EDNA E EKUBAN-GORDON , MD	T1804160138748BCPEPO	2018106923412701	11/19/2017	11/19/2017	3/23/2018	S0181XA	Laceration w/o foreign body of oth part	1	12013	RPR F/E/E/N/L/M 2.6-5.0 CM			\$388.00	\$49.64	Y
1386720183	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	\$9,123.62	\$760.23	Total
1386720183	Danville Regional Medical LLC dba Sovah Health-Dan	1386720183	Danville Regional Medical LLC dba Sovah Health-Dan	T1808200009661BCPEIR	2018232916719901	11/19/2017	11/19/2017	7/18/2018	E1165	Type 2 diabetes mellitus with hyperglyce	1	96361	HYDRATE IV INFUSION ADD-ON			\$9,123.62	\$760.23	Y
1386720183	Danville Regional Medical LLC dba Sovah Health-Dan	1386720183	Danville Regional Medical LLC dba Sovah Health-Dan	T1808200009661BCPEIR	2018232916719901	11/19/2017	11/19/2017	7/18/2018	E1165	Type 2 diabetes mellitus with hyperglyce	2	80053	COMPREHEN METABOLIC PANEL					Y
1386720183	Danville Regional Medical LLC dba Sovah Health-Dan	1386720183	Danville Regional Medical LLC dba Sovah Health-Dan	T1808200009661BCPEIR	2018232916719901	11/19/2017	11/19/2017	7/18/2018	E1165	Type 2 diabetes mellitus with hyperglyce	3	82962	GLUCOSE, BLOOD BY GLUCOSE MONITORIN					Y
1386720183	Danville Regional Medical LLC dba Sovah Health-Dan	1386720183	Danville Regional Medical LLC dba Sovah Health-Dan	T1808200009661BCPEIR	2018232916719901	11/19/2017	11/19/2017	7/18/2018	E1165	Type 2 diabetes mellitus with hyperglyce	4	84443	ASSAY THYROID STIM HORMONE					Y
1386720183	Danville Regional Medical LLC dba Sovah Health-Dan	1386720183	Danville Regional Medical LLC dba Sovah Health-Dan	T1808200009661BCPEIR	2018232916719901	11/19/2017	11/19/2017	7/18/2018	E1165	Type 2 diabetes mellitus with hyperglyce	5	85025	COMPLETE CBC W/AUTO DIFF WBC					Y
1386720183	Danville Regional Medical LLC dba Sovah Health-Dan	1386720183	Danville Regional Medical LLC dba Sovah Health-Dan	T1808200009661BCPEIR	2018232916719901	11/19/2017	11/19/2017	7/18/2018	E1165	Type 2 diabetes mellitus with hyperglyce	6	71010	CHEST X-RAY 1 VIEW FRONTAL					Y
1386720183	Danville Regional Medical LLC dba Sovah Health-Dan	1386720183	Danville Regional Medical LLC dba Sovah Health-Dan	T1808200009661BCPEIR	2018232916719901	11/19/2017	11/19/2017	7/18/2018	E1165	Type 2 diabetes mellitus with hyperglyce	7	70450	CT HEAD/BRAIN W/O DYE					Y
1386720183	Danville Regional Medical LLC dba Sovah Health-Dan	1386720183	Danville Regional Medical LLC dba Sovah Health-Dan	T1808200009661BCPEIR	2018232916719901	11/19/2017	11/19/2017	7/18/2018	E1165	Type 2 diabetes mellitus with hyperglyce	8	12002	RPR S/N/AX/GEN/TRNK2.6-7.5CM					Y
1386720183	Danville Regional Medical LLC dba Sovah Health-Dan	1386720183	Danville Regional Medical LLC dba Sovah Health-Dan	T1808200009661BCPEIR	2018232916719901	11/19/2017	11/19/2017	7/18/2018	E1165	Type 2 diabetes mellitus with hyperglyce	9	96374	THER/PROPH/DIAG INJ IV PUSH					Y
1386720183	Danville Regional Medical LLC dba Sovah Health-Dan	1386720183	Danville Regional Medical LLC dba Sovah Health-Dan	T1808200009661BCPEIR	2018232916719901	11/19/2017	11/19/2017	7/18/2018	E1165	Type 2 diabetes mellitus with hyperglyce	10	99284	EMERGENCY DEPT VISIT					Y
1386720183	Danville Regional Medical LLC dba Sovah Health-Dan	1386720183	Danville Regional Medical LLC dba Sovah Health-Dan	T1808200009661BCPEIR	2018232916719901	11/19/2017	11/19/2017	7/18/2018	E1165	Type 2 diabetes mellitus with hyperglyce	11	93005	ELECTROCARDIOGRAM TRACING					Y

Billing Provider National Provider Identifier (NPI)	Billing Provider Name	Servicing Provider National Provider Identifier (NPI)	Servicing Provider Name	Claim Number	Legacy Claim Number	Service From Date	Service Through Date	Paid Date	Primary Diagnosis Code	Primary Diagnosis Name	Claim Line	Pro-cedure Code	Procedure Name	NDC	Drug Brand Name	Billed Amount	Paid Amount	Claim Enc Code
1417262056	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	\$50.85	\$50.85	Total
1417262056	PUBLIC PARTNERSHIPS, LLC	1417262056	PUBLIC PARTNERSHIPS, LLC	T1803140066260BCPEPO	2018073925265501	11/19/2017	11/19/2017	3/9/2018	Z139	Encounter for screening, unspecified	1	S5150	UNSKILLED RESPITE CARE, NOT HOSPICE			\$50.85	\$50.85	Y
1891728564	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	\$173.00	\$44.25	Total
1891728564	MAROON B KHOURY	1891728564	MAROON B KHOURY	T1804160243055BCPEPO	2018106933785201	11/19/2017	11/19/2017	3/28/2018	S0990XA	Unspecified injury of head, initial enco	1	70450	CT HEAD/BRAIN W/O DYE			\$143.00	\$36.48	Y
1891728564	MAROON B KHOURY	1891728564	MAROON B KHOURY	T1804160243056BCPEPO	2018106933785301	11/19/2017	11/19/2017	3/28/2018	R0789	Other chest pain	1	71010	CHEST X-RAY 1 VIEW FRONTAL			\$30.00	\$7.77	Y
1154419737	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	\$4,107.00	\$183.27	Total
1154419737	Danville Regional Medical LLC dba Sovah Health-Dan	1154419737	Danville Regional Medical LLC dba Sovah Health-Dan	T2006260460549BCPEIR	2020178934474401	9/21/2018	9/21/2018	2/19/2019	S80211A	Abrasion, right knee, initial encounter	1	99285	EMERGENCY DEPT VISIT			\$4,107.00	\$183.27	Y
1154419737	Danville Regional Medical LLC dba Sovah Health-Dan	1154419737	Danville Regional Medical LLC dba Sovah Health-Dan	T2006260460549BCPEIR	2020178934474401	9/21/2018	9/21/2018	2/19/2019	S80211A	Abrasion, right knee, initial encounter	2	90714	TD VACC NO PRESV 7 YRS+ IM	49281021588	TENIVAC 5-2/0.5ML SYRINGE			Y
1154419737	Danville Regional Medical LLC dba Sovah Health-Dan	1154419737	Danville Regional Medical LLC dba Sovah Health-Dan	T2006260460549BCPEIR	2020178934474401	9/21/2018	9/21/2018	2/19/2019	S80211A	Abrasion, right knee, initial encounter	3	90471	IMMUNIZATION ADMIN					Y
1184674129	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	\$512.10	\$140.10	Total
1184674129	MARTINSVILLE CITY PUBLIC SCHOOLS	1184674129	MARTINSVILLE CITY PUBLIC SCHOOLS	T1903260234915BCPEPO	2019085926883002	9/21/2018	9/21/2018	10/9/2018	S83104A	Unspecified dislocation of right knee, i	1	A0429	AMBULANCE SERVICE, BASIC LIFE SUPPO			\$512.10	\$140.10	Y
1184674129	MARTINSVILLE CITY PUBLIC SCHOOLS	1184674129	MARTINSVILLE CITY PUBLIC SCHOOLS	T1903260234915BCPEPO	2019085926883002	9/21/2018	9/21/2018	10/9/2018	S83104A	Unspecified dislocation of right knee, i	2	A0425	GROUND MILEAGE, PER STATUTE MILE					Y
1427005008	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	\$874.00	\$82.90	Total
1427005008	EMERGENCY COVERAGE CORPORATION	1154673895	BRANT D HINCHMAN , DO	T1811160170283BCPEPO	2018320920497302	9/21/2018	9/21/2018	10/5/2018	S80211A	Abrasion, right knee, initial encounter	1	99284	EMERGENCY DEPT VISIT			\$874.00	\$82.90	Y
1427005008	EMERGENCY COVERAGE CORPORATION	1154673895	BRANT D HINCHMAN , DO	T1811160170283BCPEPO	2018320920497302	9/21/2018	9/21/2018	10/5/2018	S80211A	Abrasion, right knee, initial encounter	2	99053	MED SERV 10PM-8AM 24 HR FAC					Y
Claim Enc Code= Encounter Claim through Managed Care (Yes or No)															GRAND TOTALS	\$33,357.14	\$2,866.92	
NDC=National Drug Code																		

**EXHIBIT 5: USA v. Brian David Hill -  
7:18-MJ-00149, December 26, 2018,  
Supervised Release Revocation  
Hearing. Transcript completed on  
May 2, 2022  
for**

attached to: "MOTION FOR JUDGMENT OF ACQUITTAL  
OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED  
UPON NEW EVIDENCE WHICH DISPROVES THE  
ELEMENTS OF CHARGED CRIME BY PROSECUTION,  
EVIDENCE WARRANTING NEW TRIAL OR  
ACQUITTAL"

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville,  
Virginia

Ally of Q, Former news reporter of USWGO Alternative News  
[JUSTICEFORUSWGO.WORDPRESS.COM](http://JUSTICEFORUSWGO.WORDPRESS.COM)



IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

**UNITED STATES OF AMERICA,**

Plaintiff,

**CASE NO.: 7:18-MJ-00149**

December 26, 2018

Roanoke, Virginia

Supervised Release Revocation  
Hearing

-v-

**BRIAN DAVID HILL,**

Before:

**HONORABLE ROBERT S. BALLOU**

UNITED STATES MAGISTRATE JUDGE

WESTERN DISTRICT OF VIRGINIA

Defendant.

\*\*\*\*\*

APPEARANCES:

For the Plaintiff:

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Kelly Brown - FTR Recorder  
Mary J. Butenschoen - Transcriber

PROCEEDINGS TAKEN BY FTR; TRANSCRIBED USING COMPUTER-AIDED  
TRANSCRIPTION

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1 (Proceedings commenced 2:45 p.m.)

2 THE CLERK: *United States of America v. Brian David*  
3 *Hill*, Case Number 7:18-MJ-149.

4 THE COURT: All right. Let the record reflect the  
5 government is present by its counsel. The defendant likewise  
6 is present along with counsel.

7 Mr. Hill, good afternoon. My name is Robert Ballou.  
8 I'm a magistrate judge here in the Western District of  
9 Virginia. We are here today in connection with a petition that  
10 has been filed in the Middle District of North Carolina to  
11 revoke the terms of your supervised release. You will recall  
12 that you were sentenced down in the Middle District of North  
13 Carolina on a -- on a charge -- I can't tell the date of the  
14 original -- in November of 2014 on a charge of possession of  
15 child pornography. Following a term of imprisonment you had  
16 some supervised release to address, and the petition alleges  
17 that you violated the terms of your supervised release.

18 Do you understand these things?

19 THE DEFENDANT: Yes.

20 THE COURT: All right. Let me begin, first of all,  
21 by asking you to state your full name for me, please.

22 THE DEFENDANT: B-R-I-A-N.

23 THE COURT: Just tell me your name.

24 THE DEFENDANT: Brian David Hill.

25 THE COURT: All right. How old are you, Mr. Hill?

1 THE DEFENDANT: What was your question?

2 THE COURT: How old are you?

3 THE DEFENDANT: I'm 28 years old.

4 THE COURT: Okay. Do you take any medication?

5 THE DEFENDANT: Insulin, and I think it's Novolog and  
6 Lantus.

7 THE COURT: All right. What do you take those last  
8 two for?

9 THE DEFENDANT: Managing my type 1 brittle  
10 diabetes.

11 THE COURT: All right. So all the medication you  
12 take is for your diabetes; is that correct?

13 THE DEFENDANT: I also take medication for my carpal  
14 tunnel.

15 THE COURT: Okay. All right. Is that all you take  
16 medication for?

17 THE DEFENDANT: Piedmont Community Services did  
18 prescribe me medication for anxiety.

19 THE COURT: Okay, for anxiety? Okay. What  
20 medication is that?

21 THE DEFENDANT: I don't know the name.

22 THE COURT: Okay.

23 THE DEFENDANT: But it's -- I don't know.

24 THE COURT: Okay.

25 All right. Counsel, before we get too far into this

1 hearing, certainly no issue as it relates to identity; is that  
2 right, Mr. Cargill?

3 MR. CARGILL: Correct, Your Honor.

4 THE COURT: All right. Before we get too far into  
5 this hearing, I did meet with Mr. McMurray, who I think had  
6 been supervising Mr. Hill in advance. I've got concerns about  
7 Mr. Hill's ability to be able to participate in his defense, at  
8 least at this state, so I'm going to call Mr. McMurray first  
9 and address where we are in that regard.

10 Mr. McMurray, if you can come on up and be sworn.  
11 You-all please have a seat, Mr. Hill.

12 JASON McMURRAY, CALLED BY THE COURT, SWORN

13 EXAMINATION

14 THE COURT: Mr. McMurray, if you could state your  
15 full name for me and tell me who you're employed by.

16 A Jason McMurray. I am a United States Probation Officer  
17 for the Western District of Virginia.

18 THE COURT: Are your caseload dealing with  
19 supervising Brian David Hill?

20 A I have supervised, that's correct, Mr. Hill since  
21 approximately July 9 of 2015.

22 THE COURT: All right. And Mr. Hill is sitting here  
23 in the courtroom with his counsel?

24 A He is seated to Mr. Cargill's left, that's correct.

25 THE COURT: All right, very well. Tell me how you



1 came to be Mr. Hill's supervisor.

2 A Mr. Hill -- there was a petition for revocation of  
3 supervised release filed prior to myself assuming supervision  
4 in the Middle District of North Carolina. His previous  
5 probation officer had filed that.

6 The Court in Middle District of North Carolina chose not  
7 to revoke Mr. Hill's supervision; chose to continue him on  
8 supervision, modifying his conditions so that he would have to  
9 serve six months of home detention. And when he was released,  
10 that's when I took over his case for supervision.

11 THE COURT: All right. And, of course, there's a  
12 petition that's been filed in connection with some charges down  
13 in the City of Martinsville, I believe?

14 A That's correct. He was arrested September the 21st, 2018,  
15 in the City of Martinsville for indecent exposure.

16 THE COURT: All right. And have you expressed to me  
17 some concerns about Mr. Hill's present mental capacity?

18 A Based on some letters I have received from Mr. Hill since  
19 he was incarcerated, that is correct. I do have some concerns  
20 for his mental capacity.

21 THE COURT: Tell me a little bit about those.

22 A Well, I'm in possession of four letters that were written  
23 by Mr. Hill, or at least represented to be written by Mr. Hill.  
24 And in the letters there's a recurring theme of a man in a  
25 hoodie forcing Mr. Hill -- breaking into his house forcing

1 Mr. Hill to leave his home, strip nude, and walk.

2 He was -- if I may, he was found walking nude on a walking  
3 trail in Martinsville on September the 21st, and these letters  
4 state that an individual in a hoodie came after him, made him  
5 strip down naked or they would go after his mother.

6 THE COURT: All right. And these are all written to  
7 you after -- within the last three or four months?

8 A These were all addressed to me after he was arrested and  
9 incarcerated in Martinsville. They all came from the  
10 Martinsville City Jail.

11 THE court: All right. Has he expressed to you any  
12 perception about his grasp of the -- kind of the overall world  
13 around him and -- I'll state it another way.

14 The standard I need to deal with is whether he may be  
15 suffering -- whether there's reason to believe that he's  
16 suffering from a mental disease or defect that will affect his  
17 ability to defend himself in connection with this particular  
18 petition.

19 A Would it help if I read excerpts from the letters?

20 THE COURT: If you could just do that just so we can  
21 know what the record will have.

22 A A letter I have here dated December 13, 2018, would you  
23 like me to read the whole thing, Your Honor, or --

24 THE COURT: Not the whole thing. Just explain what's  
25 in the letter and --

1 A In the letter, as I stated before, he -- he states that he  
2 has done good under me as a probation officer "until the guy in  
3 the hoodie came after me by going after my mom. I knew the  
4 risks, and when I filed my 2255 motion and brief proving fraud  
5 upon the court in proving their crimes puts a big target on my  
6 back."

7 Another excerpt states, "They will probably kill Donald  
8 Trump and his whole family or imprison them, all then do the  
9 same thing to me and my whole family like the Nazis did in  
10 Germany. The U.S. Attorney won't stop coming after me until I  
11 die or rot in prison forever. They do not want my friends and  
12 family to tell the truth, especially online."

13 THE COURT: All right. Okay, I think I understand  
14 where things are.

15 MS. MUNRO, any questions for Mr. McMurray?

16 MS. MUNRO: A couple, I think --

17 THE COURT: Sure.

18 MS. MUNRO: -- for the record as it relates to that  
19 issue.

20 EXAMINATION

21 BY MS. MUNRO:

22 Q So I think you indicated you'd been supervising him since  
23 2015?

24 A Yes, ma'am, that's correct.

25 Q Is that when he came to Martinsville?

1 A He was living in Martinsville prior to that when Officer  
2 Burton was supervising him.

3 Q Okay. And why did he come to Martinsville, do you know,  
4 from North Carolina?

5 A That's where his family was residing. His grandparents --  
6 grandmother, grandfather -- and his mother all reside in  
7 Martinsville.

8 Q And they still currently reside there?

9 A Yes, ma'am, that's correct.

10 Q And is that the family members with whom he's been  
11 residing between 2015 and the present?

12 A That's correct. He was residing in a home with both  
13 grandparents and a mother. And within the last year, year and  
14 a half, the mother and Mr. Hill obtained their own housing, one  
15 of -- it's a home, a duplex, that has a first floor and a  
16 second floor. Mr. Hill resides on the bottom floor with his  
17 own private entrance.

18 Q Okay. And then the family members who are upstairs are  
19 who?

20 A It's just his mother.

21 Q Just his mother.

22 A Yes.

23 Q But as of a month or so ago, it was -- it also included  
24 his grandparents?

25 A No, ma'am. That's -- that's not correct.

1 About a year, year and a half ago, give or take, Mr. Hill  
2 and his mother moved out of the grandparents' home.

3 Q Okay. Now, you indicated that you had taken part in the  
4 filing of a petition back in September of 2015 relating to some  
5 violations down in North Carolina; is that correct?

6 A It was more of a notice of noncompliance than it was a  
7 petition. Mr. Hill, part of his supervised release was that he  
8 complete or participate in certified sex offender treatment,  
9 which we referred him to treatment. And the treatment provider  
10 found that he was not amenable to treatment. Mr. Hill does not  
11 accept responsibility for the conviction, and that in a sex  
12 offender treatment setting, that hinders the group.

13 So since he did not successfully complete the treatment, I  
14 had to notify Middle District of North Carolina. The court  
15 down there stated that if Mr. Hill was otherwise compliant that  
16 we could allow him to remain on supervision, and he was. So he  
17 continued his supervision.

18 Q But when you say he wasn't taking responsibility for the  
19 underlying conviction, do you mean that child pornography  
20 conviction in 2014?

21 A That's correct. That's correct.

22 Q I see. And around that period of time when you first met  
23 and started supervising Mr. Hill, were you aware then whether  
24 there were other instances in which he was doing a lot of  
25 letter writing or posting on the internet in relation to his

1 criminal cases?

2 A He has engaged in that behavior for quite a while. Prior  
3 to my taking over supervision of the case, he was filing  
4 numerous motions in Middle District of North Carolina. That's  
5 something he did quite often. I can't give you numbers or  
6 exactly what it was, but that is something that he has done in  
7 the past, is file motion after motion with the court.

8 Q I think one of the excerpts that you read indicated that  
9 he believed that the U.S. Attorney, is what he described it as,  
10 would keep coming after him until he was dead.

11 Has he made similar kinds of allegations against other  
12 people involved in his prosecutions in the past?

13 A He has. Mr. Hill has spent a majority of his time  
14 focusing on trying to get his underlying charge of having an  
15 appeal, having it overturned. That is what he is focused on.

16 Q Okay. Has he focused on any particular individuals in  
17 connection with that prosecution?

18 A Various individuals in the past. I cannot pronounce this  
19 Assistant U.S. Attorney's name, but it's a recurring last name.  
20 I could spell it, but I can't pronounce it, unfortunately. But  
21 I would spell it if you'd like me to.

22 Q Sure, that would be fine.

23 A Assistant U.S. Attorney P-R-A-K-A-S-H, first name. Last  
24 name R-A-M-A-S-W-A-M-Y. His spelling, of course.

25 Q Is it your interpretation that that's the same AUSA that's

1 listed in this petition that is currently before the Court as  
2 the original prosecuting AUSA?

3 A I'll have to view the petition to double check.

4 Q Okay. It's possible, though; is that correct?

5 A It is possible, but I'll have to review the petition.

6 Q And you indicated that he was charged in Martinsville with  
7 indecent exposure. Was he tried?

8 A This just occurred last Friday. I'm not privy to the  
9 court documents, as I don't think they have been filed. I know  
10 that he had planned to plead not guilty. In my view of the  
11 online Virginia court website, it appears that he pled not  
12 guilty but was found guilty, sentenced to 30 days in custody,  
13 which was tantamount to time served, and he's now in our  
14 custody.

15 Q Okay. And do you know whether or not he made any  
16 statements at the time of his arrest in Martinsville about this  
17 man with the hoodie?

18 A I can speak to the arresting officer's report in which he  
19 stated that a man in a hoodie forced him to leave his home and  
20 undress.

21 Q Okay. And then finally, have you spoken with his family  
22 members in connection with the instant petition in preparation  
23 for the hearing today?

24 A I spoke with his grandfather a week ago Tuesday.

25 Q Okay. And so the Court understands, what have his family

1 members indicated, first of all, about his living arrangement  
2 here in the Western District?

3 A They indicated to me last Tuesday -- well, "they" I mean  
4 the grandfather -- indicated to me that they can't house  
5 Mr. Hill due to his medical issues. He suffers from diabetes,  
6 amongst other ailments, and they have been seeking an assisted  
7 living environment if he were to qualify for one, but they  
8 stated that they can't house him any longer.

9 Q I see. And when you say they, does that include his  
10 mother, or did you not speak with his mother?

11 A I have not spoken with his mother in quite some time, but  
12 his grandfather indicated that he would not have a place to  
13 live. That's how I took it. Because when he called last  
14 Tuesday, Mr. Hill was due in Martinsville City court on Friday,  
15 his grandfather was concerned if he were to get out that Friday  
16 where would he go, because he doesn't have a home.

17 Q Okay. And then finally, what do you understand about the  
18 nature of his diabetes?

19 A Obviously, not a medical professional, but I have spoken  
20 with his family numerous times about his diabetes. His  
21 diabetes is very severe.

22 Q Okay.

23 A I'm -- I can't get into the scientific nature, but he does  
24 suffer greatly from great spikes in blood glucose, I think, and  
25 then it bottoms out. He does have a lot of issues with



1 diabetes.

2 Q Did his family members talk to you about whether they have  
3 had, specifically, difficulty with those spikes and drops in  
4 his diabetic condition?

5 A His mother told me on one occasion that she was going  
6 downstairs to his portion of the domicile every morning very,  
7 very early to check his blood sugar because there have been a  
8 couple mornings that he -- he was having a hard time waking up.  
9 So she would go down early to check his blood sugar to see if  
10 he needed insulin or -- not insulin, but if he would need to  
11 take some form of sugar supplement to get his blood sugar up.

12 Q Okay.

13 A Or opposite.

14 MS. MUNRO: Okay. All right. Nothing further.

15 Thanks.

16 THE COURT: Before you ask any questions,  
17 Mr. Cargill, tell me about anything that you've seen with  
18 respect to Mr. Hill in connection with his -- when you've  
19 visited him in his home and his perspective on where he is in  
20 life.

21 THE WITNESS: Well, I have been to Mr. Hill's home  
22 numerous times, and, as I've stated previously, whenever I'd  
23 ask him how he was doing, he was very polite and was always  
24 welcoming. He could be sometimes hard to -- excuse me,  
25 difficult to communicate with because he is on -- has been

1 diagnosed on the autism spectrum, so it's kind of difficult to  
2 converse with him sometimes. But he's always been very polite  
3 to me. Allows me to come in and do the home contact. He's  
4 always obsessed about this 2255 motion that he discusses in  
5 these letters trying to get his case overturned.

6 One thing in particular that stands out is his  
7 obsessive-compulsive disorder, which the presentence report  
8 from the Middle District of North Carolina highlights as a  
9 prior diagnosis. He undertakes a -- what I would call a  
10 handwashing routine every morning, and it -- and his mother has  
11 verified this, for hours at a time. There have been times that  
12 I've went by the residence at 10:30, 11 o'clock in the morning,  
13 and he would come to the door covered literally head to toe in  
14 soap suds as he was engaging in his routine. Actually, the  
15 last home contact that I was -- I was there, there was standing  
16 water in the kitchen. He was engaging in his handwashing  
17 routine, and dozens and dozens, if not over a hundred slivers  
18 and cakes of soap piled up indicating that he was engaging in  
19 his handwashing routine.

20 That same day I went upstairs to speak with his  
21 mother, and she indicated that he was continuously doing that  
22 every morning. And you could see the effects of which in the  
23 kitchen from the water and the damage that it had caused. It  
24 seemed every time I was there that's what he was doing.

25 THE COURT: All right. Okay. That's all the

1 questions I have.

2 Mr. Cargill, does that prompt any questions you --

3 MR. CARGILL: Oh, just a few.

4 EXAMINATION

5 BY MR. CARGILL:

6 Q So during the time that you have supervised him,  
7 Mr. McMurray, has he seen a mental health provider for  
8 evaluation and --

9 A He was going to a counselor twice per month, is a  
10 Dr. Preston Page that Mr. Hill's -- I think it's Medicaid that  
11 he has. I'm not sure if it's Medicaid/Medicare -- that he was  
12 seeing twice per month and that I had contact with to see his  
13 progress from time to time.

14 Q How does the -- how does the mental health provider, how  
15 does he or she feel about his mental state, or does the person  
16 share --

17 A I have not spoken with Mr. Page since the last time I was  
18 at his -- at Mr. Hill's residence. And after speaking with the  
19 mother, I called Mr. Page and I said this was quite concerning.  
20 And it was not very long before he was arrested for the  
21 indecent exposure. And I spoke with Mr. Page about it, and  
22 Mr. Page advised that -- that he was due to see him soon and  
23 that if he felt that there needed to be a further referral,  
24 perhaps the Piedmont Community Services, then that would be  
25 undertaken, but that appointment did not occur.

1 Q So your -- to your knowledge, he has not been on  
2 medication for any mental health issues.

3 A No, sir, it's -- it's been limited to his diabetes and  
4 medication.

5 Q Do you know whether he was evaluated mentally in  
6 connection with the state charge, the indecent exposure  
7 charge?

8 A From my knowledge, they took him to the Martinsville  
9 hospital the night of the arrest and they released him. I  
10 don't know if that was more of a TDO type thing to gauge  
11 whether he was a danger to himself or others or if it was more  
12 mental health oriented. I do not have the answer to that. But  
13 he was released that night and taken into custody.

14 Q But you have a general release that would allow you to get  
15 any of those records; is that correct?

16 A Yes, sir.

17 Q Including any mental evaluation prepared in connection  
18 with the state charge?

19 A Yes, sir, I could -- I could receive those, yes.

20 Q I checked the online court records myself, and it  
21 indicates right at the very top in red that his state case was  
22 appealed to circuit court effective today. Is that what you  
23 found, too?

24 A I printed that out as well today, sir, and I noted the  
25 same thing.

1 Q What does -- how does that affect his revocation in Middle  
2 District?

3 A Not having worked for that court, I'm not sure I could  
4 give you an answer, but I know that a conviction is not  
5 required, that a revocation can take place based on offense  
6 conduct alone at a preponderance of the evidence. I'm not sure  
7 how Middle District of North Carolina would wish to proceed.

8 Q But in all events, since it's an active case in state  
9 court, it will at least be, what, some sort of detainer?

10 A I don't have the answer to that.

11 Q I'll research that, all right.

12 A I know that a warrant hasn't been lodged as of this moment  
13 because I would receive notification. I have not received that  
14 yet. I'm not saying that it couldn't happen.

15 Q And he's always just -- in my limited -- he's exceedingly  
16 polite, isn't he?

17 A Yes. He's always been polite, yes.

18 MR. CARGILL: All right. Thank you, sir.

19 THE COURT: All right. Any further questions,  
20 Ms. Munro?

21 MS. MUNRO: Just one.

22 EXAMINATION

23 BY MS. MUNRO:

24 Q For how long was he seeing Dr. Page, do you know?

25 A He has seen Dr. Page pretty much for the duration that

1 I've supervised him.

2 Q Okay. So since 2015?

3 A Give or take, yes.

4 MS. MUNRO: Okay. All right, thank you.

5 THE COURT: Thank you very much.

6 Thank you, Mr. McMurray. You may step down.

7 All right. Before we go any further into this  
8 initial appearance, I do have concerns about exactly where  
9 Mr. Hill is from a psychological and psychiatric standpoint and  
10 whether he does suffer from mental disease or defect that would  
11 affect his ability to understand and participate in his  
12 defense.

13 It's now further complicated by one of the things  
14 that you just indicated, Mr. Cargill, and that is since he's  
15 appealed his conviction down in City of Martinsville he's  
16 entitled to a trial de novo on that issue down there. If he  
17 is -- which is what I would prefer. If he is sent to an  
18 evaluation at the -- with the Bureau of Prisons, that's going  
19 to complicate his situation in Martinsville.

20 Do you know, Mr. Cargill, whether he was represented  
21 by counsel?

22 MR. CARGILL: Mr. Hill advises that he was  
23 represented by a public defender, Scott Albrecht. And  
24 evidently -- and don't go into any details, Brian, but I think  
25 Brian filed a notice of appeal pro se. I don't believe his

1 attorney --

2 THE COURT: Don't believe his attorney did.

3 MR. CARGILL: He also tells me, Your Honor, that  
4 there was a competency evaluation conducted as part of his  
5 state case but that it was a local -- someone visited him in  
6 the jail.

7 THE COURT: Local evaluation.

8 MR. CARGILL: Yes.

9 THE COURT: All right. But my -- my initial concern  
10 is that if -- if -- if Mr. Hill is correct that there was a --  
11 if Mr. Hill believes and it's not in fact borne out that  
12 someone made him do what he said what he's charged with doing  
13 down in City of Martinsville, that's a problem from a mental  
14 standpoint. And if he did it on his own volition and that's an  
15 excuse, that's another problem that he's going to have to deal  
16 with down in North Carolina. I think that we're much, much  
17 better off understanding exactly where he is from a mental  
18 health standpoint before he's sent back down there. I think he  
19 has to be evaluated here because I can't ask him to make a  
20 decision about having hearings up here because he's entitled to  
21 a preliminary hearing, he's entitled to all that here in this  
22 Court before he would go down to North Carolina, and I don't  
23 think -- I don't think he can make a knowing waiver or knowing  
24 decision to have those at this point.

25 So -- so Mr. Hill, let me ask you to stand up, if you

1 would, please, sir.

2 THE DEFENDANT: Yes, sir.

3 THE COURT: I've got significant concerns about  
4 whether you presently suffer from a mental -- mental health  
5 disease or defect that affects your ability to be able to  
6 participate and actively assist your counsel in addressing the  
7 issues that are raised in the -- in the petition.

8 I've also got -- does insanity defense apply on a  
9 supervised release violation? I've never -- never had that  
10 addressed.

11 MR. CARGILL: Oh, I'd say so, yes.

12 THE COURT: I would say so.

13 MR. CARGILL: Yes, sir.

14 THE COURT: So I've got significant concerns about --  
15 about that as well. And so I'm going to -- I'm going to ask  
16 you -- or I'm going to place you in the custody of the United  
17 States Marshal, or United States Attorney General, and I'm  
18 going to have you evaluated, have a full and complete and  
19 thorough evaluation of your mental health situation so that  
20 that can be addressed. If you need to have medication, you can  
21 be placed on proper medication before you come back here to  
22 address -- address these matters. And I'm going to ask that  
23 they evaluate under both 4241 and also 4242 as well. That will  
24 also significantly assist your counsel both here and down in  
25 North Carolina if the matter goes back down to North Carolina.



1 Do you understand?

2 THE DEFENDANT: Yes.

3 THE COURT: All right. So I'm going to -- you're  
4 probably going to be transferred to a facility either in North  
5 Carolina or some other place nearby, we hope, for an  
6 evaluation, and then you'll be brought back here. It could be  
7 a couple or three months from now when you're brought back  
8 here, but you'll be in a much better position for me to be able  
9 to understand your situation when that occurs, all right?

10 So I'm going to leave you with Mr. Cargill to answer  
11 any questions, which is better to be able to proceed in that  
12 regard, and I'll get that order entered today, all right?

13 Ask your question to Mr. Cargill first before you ask  
14 it of me.

15 THE DEFENDANT: What if I'm found not guilty in the  
16 Circuit Court of Martinsville?

17 MR. CARGILL: That will play out. That will play  
18 out.

19 THE COURT: All right. And -- all right.  
20 Anything else I need to address, Ms. Munro?

21 MS. MUNRO: Nothing further.

22 THE COURT: Mr. Cargill?

23 MR. CARGILL: No. Thank you, Your Honor.

24 THE COURT: All right, very well. Court will stand  
25 in recess.

1 (The proceedings concluded at 3:12 p.m.)

2 **CERTIFICATE**

3 I, Mary J. Butenschoen, do hereby certify that the  
4 foregoing is a correct transcript of the electronic recording  
in the above-entitled matter.

5 \_\_\_\_\_/s/\_\_\_\_\_ 5/2/2022  
6 Mary J. Butenschoen, Transcriber  
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# **EXHIBIT 6: USA v. Brian David Hill - 7:18-MJ-00149, May 14, 2019, Competency/Detention Hearing. Transcript completed on May 2, 2022.**

## **for**

attached to: "MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED UPON NEW EVIDENCE WHICH DISPROVES THE ELEMENTS OF CHARGED CRIME BY PROSECUTION, EVIDENCE WARRANTING NEW TRIAL OR ACQUITTAL"

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville, Virginia

Ally of Q, Former news reporter of USWGO Alternative News  
JUSTICEFORUSWGO.WORDPRESS.COM



IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

**UNITED STATES OF AMERICA,**

Plaintiff,

**CASE NO.: 7:18-MJ-00149**

May 14, 2019

Roanoke, Virginia

-v-

Competency/Detention Hearing

**BRIAN DAVID HILL,**

Before:

**HONORABLE ROBERT S. BALLOU**

UNITED STATES MAGISTRATE JUDGE

Defendant.

WESTERN DISTRICT OF VIRGINIA

\*\*\*\*\*  
APPEARANCES:

For the Plaintiff:

**CHARLENE DAY**

United States Attorneys Office  
310 First Street, S.W. Room 906  
Roanoke, VA 24008  
540-857-2907  
charlene.day@usdoj.gov

For the Defendant:

**RANDY VIRLIN CARGILL**

Federal Public Defenders Office  
Suite 420  
210 First Street, SW  
Roanoke, VA 24011  
540-777-0880  
randy\_cargill@fd.org

---

Kelly Brown - FTR Recorder  
Mary J. Butenschoen - Transcriber

PROCEEDINGS TAKEN BY FTR; TRANSCRIBED USING COMPUTER-AIDED  
TRANSCRIPTION

1 THE CLERK: *United States of America v. Brian David*  
2 *Hill*, Case Number 7:18-MJ-149.

3 THE COURT: All right. Let the record reflect that  
4 the government is present by its counsel. The defendant  
5 likewise is present by counsel.

6 We're here for a couple of reasons today. The first  
7 is since we were last together in your hill, Mr. Case -- or in  
8 your case, Mr. Hill, excuse me. -- you were evaluated down at  
9 Butner, and I've got the report back so we're going to have the  
10 competency evaluation addressed and then for -- assuming that  
11 he's found competent, to go forward we'll have his initial on  
12 the supervised release violation.

13 Before I begin, I do want to address a couple of  
14 things that are on the docket. There are two motions that are  
15 on the docket. One is for me to disqualify myself, and the  
16 other is for a -- for the government to produce copies of the  
17 transcript of previous hearings.

18 There are a couple of things. Mr. Hill previously  
19 filed an order, Mr. Cargill, or filed a motion to reconsider my  
20 decision to have him evaluated, as well as he also filed an  
21 order to request transcripts in a motion for summary judgement.

22 I entered an order in this case on January the 15th  
23 indicating that he's not entitled to hybrid representation  
24 where he cannot file his own motions since he's represented by  
25 counsel, so I denied those motions without prejudice to bring

1 again. And I'm going to deny the present motions without  
2 prejudice to bring again.

3 I'm -- I am going to specifically address the motion  
4 to disqualify because I think that should be on the record.  
5 The two grounds that were raised for me to disqualify myself  
6 is, one, is that Mr. Hill previously had a civil case in this  
7 court that was handled by Judge Kiser. I made a ruling on a  
8 discovery issue that he took an interlocutory appeal to the  
9 Fourth Circuit on. That civil case is 4:17-CV-27. The Fourth  
10 Circuit dismissed that appeal as an -- as an interlocutory  
11 appeal. The case was remanded. Judge Kiser ultimately entered  
12 summary judgement in the case, and the Fourth Circuit affirmed  
13 that decision. So I didn't have any involvement at all beyond  
14 the -- beyond that.

15 The fact that someone takes an appeal to one of my  
16 decisions is absolutely the right that they have, and I'm  
17 always proud when anyone decides to exercise those rights as  
18 set out under the Constitution. And it has no impact upon the  
19 way in which I handle any other decisions, and so I don't find  
20 that as grounds for me to disqualify myself.

21 The second is that under Rule 59 of the Federal Rules  
22 of Criminal Procedure is that a decision that I make, any  
23 litigant has the right to appeal that to the presiding district  
24 court judge, and that's in conjunction with the two -- or the  
25 three motions that were filed earlier that I denied because

1 they were filed improvidently by Mr. Hill pro se. And since  
2 there was never an appeal to the presiding district judge in  
3 this matter, I don't find that as grounds for me to disqualify  
4 myself.

5 And so I'll address anything that the government or  
6 Mr. Cargill that you think I need to address in connection with  
7 those matters.

8 MS. DAY: Nothing from the government, Your Honor.

9 MR. CARGILL: Likewise, Your Honor.

10 THE COURT: Okay, very well.

11 All right. So I -- Ms. Day and Mr. Cargill, have  
12 you-all received the report and the psychiatric evaluation as  
13 it relates to Mr. Hill?

14 MS. DAY: Yes from the government, Your Honor.

15 MR. CARGILL: Yes, sir, I have, Your Honor.

16 THE COURT: Ms. Day, is there anything else that the  
17 government would like to offer in connection with the  
18 determination in competency?

19 MS. DAY: No, Your Honor.

20 THE COURT: Mr. Cargill?

21 MR. CARGILL: Likewise, Your Honor. I've reviewed  
22 the report with Mr. Hill and have no additions or comments on  
23 the report. I'd ask the Court to receive it and use it as the  
24 basis for making its determination.

25 THE COURT: All right. Mr. Hill, I'll get you to

1 stand up. Is there anything that you would like me to consider  
2 in connection with the -- whether you're competent to be able  
3 to assist Mr. Cargill in connection with your matter today?  
4 And then if you go back down to North Carolina to be able to  
5 appear in front of the court down there?

6 THE DEFENDANT: I do promise to appear at every  
7 hearing that is required of me.

8 THE COURT: Okay. All right. You understand -- so  
9 right now all I'm considering is whether you're competent to  
10 stand trial. Do you feel competent, you understand what  
11 your -- what the allegations are in the petition as to what  
12 you've allegedly done wrong to violate your supervised release?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: All right. And you understand the role  
15 of all the different players here, what Mr. Cargill does for  
16 you? Are you satisfied that you know everything and that you  
17 can help Mr. Cargill today?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Any lawyer that you're assigned down in  
20 North Carolina, you can assist them as well?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: Okay, very well.

23 All right. Well, having considered the psychiatric  
24 report, having considered the appearance of Mr. Hill here in  
25 court as well as the -- taking the comments of counsel, I do



1 find that Mr. Hill is competent to -- to stand trial and be  
2 able to address these supervised release violations.

3 So Mr. Hill, let me address to you the supervised  
4 release violations. First of all, you -- let me just have you  
5 state your full name for me, please.

6 THE DEFENDANT: Brian David Hill.

7 THE COURT: Okay. And if you stand there normally  
8 and talk to me so I can hear you, then -- then we'll be good.  
9 So you don't need to lean down. I think that will be more  
10 comfortable for you.

11 THE DEFENDANT: Okay, thanks.

12 THE COURT: All right. How old are you, Mr. Hill?

13 THE DEFENDANT: How old am I?

14 THE COURT: Yes, sir.

15 THE DEFENDANT: 28.

16 THE COURT: 28, all right. How do you feel today?

17 THE DEFENDANT: I feel all right.

18 THE COURT: Good. So you will recall, Mr. Hill, you  
19 were previously sentenced down in the Middle District of North  
20 Carolina on a federal charge of possession of child  
21 pornography. You served -- I think you were sentenced to time  
22 served and then you had a period of supervised release.

23 Do you recall all that?

24 THE DEFENDANT: Yes.

25 THE COURT: All right. And some of the conditions

1 that you were obligated to follow is that you not commit  
2 another federal, state, or local crime in connection with this  
3 matter -- or not commit another federal, state, or local crime.

4 The petition that I have in front of me that was  
5 filed down in the Middle District of North Carolina alleges  
6 that on September the 21st of last year you were found in the  
7 City of Martinsville walking without clothes, and you were  
8 charged with indecent exposure down in the City of  
9 Martinsville.

10 Do you understand that?

11 THE DEFENDANT: Yes.

12 THE COURT: All right. On the strength of that  
13 there's been a petition filed in the Middle District of North  
14 Carolina for action on your supervised release.

15 Do you understand these things?

16 THE DEFENDANT: Yes.

17 THE COURT: Now, you do have a right to certain  
18 hearings. You can make the government prove that you are Brian  
19 David Hill. You can make the government offer sufficient  
20 evidence for me to find that there's probable cause that you  
21 are -- that you committed this offense, or you can waive those  
22 hearings, the right to those hearings. You can have them all  
23 down in North Carolina or -- or not.

24 Do you understand these things?

25 THE DEFENDANT: Yes.

1 THE COURT: All right. Mr. Cargill, how do you wish  
2 to proceed?

3 MR. CARGILL: We'd ask, Your Honor, that those  
4 hearings be conducted in North Carolina, and we also are asking  
5 at the appropriate time that he be permitted to self-report for  
6 court in North Carolina.

7 THE COURT: Okay. All right. Any -- what's the  
8 government's position as it relates to detention?

9 MS. DAY: Your Honor, we're not opposed to him being  
10 released to report in North Carolina. We just ask that he be  
11 put in third-party custody of his family who is here in court  
12 today.

13 THE COURT: Okay. All right. So I do have a  
14 preliminary hearing waiver. And Ms. Brown, let me have you  
15 hand this over to Mr. Cargill.

16 So I've got a waiver form for you to sign, Mr. Hill,  
17 that simply says you understand what your rights are to a  
18 preliminary hearing. Do you want to waive the preliminary  
19 hearing or hold them all down in North Carolina?

20 MR. CARGILL: Hold them all in North Carolina,  
21 please, Your Honor.

22 THE COURT: So there's a separate form for that. Let  
23 me give you a different form that is going to allow you to be  
24 able to go to North Carolina and just begin this anew down  
25 there.

1 Do you understand that?

2 THE DEFENDANT: Yes.

3 THE COURT: All right. Do you understand that by  
4 waiving your rights to hearings up here you're not admitting  
5 that you've done anything wrong; you're not admitting that the  
6 government is right; you simply are letting the case go down to  
7 North Carolina and you'll address it all down there? Do you  
8 understand those things?

9 THE DEFENDANT: Yes, I do, sir.

10 THE COURT: All right. And that's the way you wish  
11 to proceed; is that correct?

12 THE DEFENDANT: Yes.

13 THE COURT: Okay, very well. So I'm going to print  
14 out a form while we're -- while we're talking. In the  
15 meantime, Mr. Cargill, tell me a little bit about the --

16 MR. CARGILL: Yes, Your Honor.

17 THE COURT: -- home plan.

18 MR. CARGILL: The plan, Your Honor, is that he would  
19 return to his mother's home. His mother owns a duplex  
20 apartment building in Martinsville. Roberta, who is nodding  
21 her head, is the mother, and she lives in the upstairs  
22 apartment. Brian lives in the downstairs apartment. She is  
23 his paid caretaker through Public Partnerships, so she's home  
24 all the time. And Brian does require fairly constant  
25 supervision, and she's willing to take on that task, as she has

1 been doing for quite a number of years. And she's willing to  
2 be the eyes and ears of the court and be the third-party  
3 custodian and to provide transportation for Brian to North  
4 Carolina for all of his court appearances.

5 THE COURT: Still on SSI; is that correct?

6 MR. CARGILL: He is on SSI.

7 THE COURT: And so she's a caretaker and gets some  
8 benefit, or at least is paid something through SSI to make sure  
9 that's taken care of.

10 MR. CARGILL: Correct, Your Honor.

11 THE COURT: Okay.

12 MR. CARGILL: And Brian has -- as the report notes,  
13 he has brittle diabetes; he's autistic; he's OCD. He does --  
14 he has seizures. So he does require fairly constant care.

15 As to the merits of this, Your Honor, he did suffer a  
16 conviction in general district court. That's on appeal, and I  
17 talked to his state lawyer, and a hearing is scheduled in July.  
18 So if you allow him to self-report, it would allow him to  
19 pursue his appeal and hopefully have that resolved before he  
20 has his merits hearing in North Carolina.

21 And finally I note, Your Honor, that he has been in  
22 custody on this because he's served his 30 days on the  
23 misdemeanor. He got time served when he went to court on the  
24 misdemeanor. So he has under his belt almost five months on  
25 this revocation if he is eventually revoked. And by my count,

1 that might be midpoint of his guidelines -- guidelines if he's  
2 found in violation.

3 So all in all, on Roberta's assurance -- and I note  
4 also that his grandparents are here and they are very involved  
5 in his life, and they are going to be hypervigilant about  
6 taking care of Brian and making sure that this does not recur.

7 And I would note, Your Honor, he was on supervised  
8 release for almost four years when this happened. He's -- his  
9 term of supervised release is ten years.

10 THE COURT: A long term, yeah.

11 MR. CARGILL: Yes. So all in all, Your Honor, on  
12 Roberta's assurance, I would ask the Court to release him on  
13 terms so that he can appear voluntarily in North Carolina.

14 THE COURT: All right. Ms. Hill, can I get you to  
15 come up, please. I'll just let you stand right there behind  
16 the podium. How are you today, ma'am?

17 MS. HILL: Okay.

18 THE COURT: Good. Can you give me your name?

19 MS. HILL: Roberta Hill.

20 THE COURT: All right. Your son, does he go by Brian  
21 or David?

22 MS. HILL: Brian.

23 THE COURT: Goes by -- your son is Brian?

24 MS. HILL: Uh-huh.

25 THE COURT: And he lives in this duplex arrangement

1 with you?

2 MS. HILL: Yes.

3 THE COURT: Does anybody else live there?

4 MS. HILL: Nope, just me and him.

5 THE COURT: Okay. And certainly no firearms --

6 MS. HILL: No.

7 THE COURT: -- or other dangerous instrumentalities  
8 there?

9 MS. HILL: No.

10 THE COURT: How about animals?

11 MS. HILL: Yeah, two cats.

12 THE COURT: Two cats.

13 MS. HILL: Uh-huh.

14 THE COURT: Very well. And you-all live -- what's  
15 your address?

16 MS. HILL: 310 Forest Street, Apartment 1, and  
17 Brian's address is Apartment 2.

18 THE COURT: All right. And tell me, and that's in  
19 Martinsville?

20 MS. HILL: Uh-huh.

21 THE COURT: And tell me the arrangement that you have  
22 in connection is Brian's SSI. You're a caretaker or --

23 MS. HILL: I'm his payee and I'm his caretaker,  
24 yes.

25 THE COURT: Okay. Does he listen to you?

1 MS. HILL: Most of the time, yes.

2 THE COURT: So in federal court, what -- what a bond  
3 means, if you're admitted to bail, is that -- and I have a  
4 third-party custodian, as Mr. Cargill said, you become the eyes  
5 and the ears of the court. And the obligations that I ask you  
6 to fulfill are, one, to make sure that Brian gets to court when  
7 he's supposed to and he's on time and in place and ready to go.

8 You're going to be given a time -- we may have to  
9 reach out to you, but when to appear down in the Middle  
10 District of North Carolina.

11 MS. HILL: Okay.

12 THE COURT: And it will be your obligation to make  
13 sure he gets down there in any subsequent court appearances.

14 Likewise, it's your obligation to make sure that he  
15 abides by the terms of my pretrial release, and we ask that you  
16 do that. And I will typically set on unsecured bond and then  
17 ask the third-party custodian to co-sign that. In other words,  
18 that you have a little skin in the game, if you will, to make  
19 sure that your son abides by the terms of pretrial release.

20 If he does not, your obligation is to call  
21 Mr. McMurray, who I think you know already, and notify him even  
22 if you know that may send Brian back to jail. Do you  
23 understand that?

24 MS. HILL: Right.

25 THE COURT: Can you do that?



1 MS. HILL: Yes.

2 THE COURT: That's a hard call for a mom to make.

3 MS. HILL: Yeah.

4 THE COURT: But you can do that.

5 MS. HILL: Yes.

6 THE COURT: Okay. And otherwise anything else you  
7 think I need to know, Mr. Cargill?

8 MR. CARGILL: No, I don't think so, Your Honor.

9 THE COURT: Ms. Day?

10 MS. DAY: No, Your Honor.

11 THE COURT: Do you have any questions for me,  
12 Ms. Hill?

13 MS. HILL: No.

14 THE COURT: Okay. All right, very well.

15 Thank you very much.

16 MS. HILL: Thanks.

17 THE COURT: Okay. So Mr. Hill, I'm going to set  
18 terms and conditions of release. I think you-all have the  
19 waiver form there. You've signed that; is that correct?

20 THE DEFENDANT: Yes.

21 THE COURT: All right, very well. So I'm going to  
22 set terms and conditions of release that you can -- I'm going  
23 to set a \$25,000 unsecured bond to be co-signed by your mom as  
24 a third-party custodian. Understand that if you violate I'll  
25 have you taken into custody by the marshal and detained until

1 this matter is resolved. Likewise, if you commit a federal,  
2 state, or local crime while on my pretrial release, that's a  
3 separate federal offense for which you can be separately  
4 indicted and face a prison term over and above what you already  
5 face.

6 Do you understand that?

7 THE DEFENDANT: Yes.

8 THE COURT: All right, very well. So you are to live  
9 at the 310 Forest Street address. I think you're in Apartment  
10 2. Your mom is going to be third-party custodian. No  
11 dangerous instrumentalities, no weapons in your residence, nor  
12 can you possess any. You cannot have -- you and your mom will  
13 have to consent to a warrantless search of your residence to  
14 assure that you're abiding by the terms of pretrial release.  
15 You are -- no alcohol, no illegal drugs, no controlled  
16 substances without the -- without a valid prescription. As  
17 well, report any contact you may have with law enforcement and  
18 cooperate with your probation officer in all respects.

19 No travel outside the Western District of Virginia,  
20 other than the Middle District of North Carolina. So you can  
21 travel within the Middle District of North Carolina. I believe  
22 your court hearing is going to be in Greensboro, but you can  
23 travel, certainly, across the border for those purposes.

24 Do you understand those things?

25 THE DEFENDANT: Yes.

1           THE COURT: All right. The other conditions that I'm  
2 going to -- that I'm going to place on you is I'm going to  
3 place a curfew since this is an event that happened at night,  
4 and understand that you're to be in every night by 7 o'clock  
5 and can't go out before 8 o'clock in the morning. I want  
6 you-all to be able to go to doctor's appointments and do what  
7 you do during the day.

8           No need to be out at night, Ms. Hill.

9           And likewise, for the short-term until things are  
10 taken care of down in North Carolina, because of some of the  
11 underlying matters, I'm going to have a no internet prohibition  
12 at this point in time, all right?

13          Do you understand that?

14          THE DEFENDANT: Yes.

15          THE COURT: I think you have a no internet  
16 prohibition under your terms and conditions now, in any event,  
17 but I'm going to reiterate that, all right?

18          Does that cover everything, Mr. McMurray?

19          PROBATION OFFICER: Your Honor, I recommend mental  
20 health conditions.

21          THE COURT: That's right. I also want you to  
22 report -- today is on Tuesday -- by the end of next week, so I  
23 think that's 10 days, to the local Community Services Board,  
24 Ms. Hill, to be evaluated for ongoing mental health treatment.  
25 I think that would be really helpful, and I want you to be able

1 to get connected and get the treatment that you need and to  
2 continue with that. And so be evaluated within ten days.

3 If Mr. McMurray does not already have an  
4 authorization to allow you to be able to get your records, I'm  
5 going to have you sign one and so that he can get the records  
6 from the Community Services Board to assure that you're getting  
7 the treatment. He doesn't need -- he's not getting them to be  
8 able to see what you're talking about, but to assure that  
9 you're complying with all the treatment recommendations.

10 Do you understand?

11 THE DEFENDANT: Yeah.

12 THE COURT: Any questions about that?

13 THE DEFENDANT: No.

14 THE COURT: All right. Ms. Hill, does that make  
15 sense? Is there anything else you think I need to add?

16 MS. HILL: Oh, he needs a letter from his -- showing  
17 that he's been released from jail for his SSI reinstated.

18 THE COURT: So he's going to have bond paperwork for  
19 that purpose, so he'll have a copy of his bond paperwork, all  
20 right?

21 All right. Ms. Day, anything further?

22 MS. DAY: No, Your Honor.

23 THE COURT: Mr. Cargill?

24 MR. CARGILL: No. Thank you, Your Honor.

25 THE COURT: And is he at Western Virginia?

1 THE MARSHAL: No, sir. He should be released from  
2 here. He was brought over by Central Virginia today with  
3 everything.

4 THE COURT: But you-all can release him from here?

5 THE MARSHAL: Yes, sir.

6 THE COURT: Okay. So he's going to have some  
7 paperwork to sign here, and then he'll be released from the  
8 marshal's service downstairs on the second floor. I've got a  
9 couple more matters to take up, but then after that you-all  
10 can -- and don't go anywhere, Ms. Hill, because you're going to  
11 need to sign that paperwork as well. But then after that you  
12 can work your way on down to the second floor, all right?

13 Thank you very much. Good luck to you, Mr. Hill.

14 MR. CARGILL: Good luck, Brian.

15 THE DEFENDANT: Thank you.

16 THE MARSHAL: Just to make sure, Your Honor, we're  
17 releasing him directly to the custody of his mother or can we  
18 just release him?

19 THE COURT: Into the custody of his mother.

20 THE MARSHAL: Okay, thank you.

21 (The proceedings concluded at 2:50 p.m.)

22 **CERTIFICATE**

23 I, Mary J. Butenschoen, do hereby certify that the  
24 foregoing is a correct transcript of the electronic recording  
in the above-entitled matter.

25 /s/ 5/2/2022  
Mary J. Butenschoen, Transcriber

# **EXHIBIT 7: Definition of delirium - NCI Dictionary of Cancer Terms (cancer.gov) printout by family for**

attached to: "MOTION FOR JUDGMENT OF ACQUITTAL  
OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED  
UPON NEW EVIDENCE WHICH DISPROVES THE  
ELEMENTS OF CHARGED CRIME BY PROSECUTION,  
EVIDENCE WARRANTING NEW TRIAL OR  
ACQUITTAL"

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville,  
Virginia

Ally of Q, Former news reporter of USWGO Alternative News  
JUSTICEFORUSWGO.WORDPRESS.COM





# delirium

(deh-LEER-ee-um)

A mental state in which a person is confused and has reduced awareness of their surroundings. The person may also be anxious, agitated, or have less energy than usual and be tired or depressed. Delirium can also cause hallucinations and changes in attention span, mood or behavior, judgement, muscle control, and sleeping patterns. The symptoms of delirium usually occur suddenly, last a short time, and may come and go. It may be caused by infection, dehydration, abnormal levels of some electrolytes, organ failure, medicines, or serious illness, such as advanced cancer.

## More Information

[Delirium](#)

## Search NCI's Dictionary of Cancer Terms

☒ Starts with    ☐ Contains

Enter keywords or phrases

Search

# **EXHIBIT 8: REDACTED government letters. First page Letter dated June 9, 2022 and second letter in this exhibit dated July 20, 2022.**

**for**

attached to: “MOTION FOR JUDGMENT OF ACQUITTAL  
OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED  
UPON NEW EVIDENCE WHICH DISPROVES THE  
ELEMENTS OF CHARGED CRIME BY PROSECUTION,  
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by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville,  
Virginia

Ally of Q, Former news reporter of USWGO Alternative News  
[JUSTICEFORUSWGO.WORDPRESS.COM](https://justiceforuswgo.wordpress.com)





Director

June 9, 2022

Brian D. Hill  
c/o Roberta Hill  
310 Forest Street, Apt 2  
Martinsville VA 24112  
rbhill67@comcast.net  
VIA: E-MAIL

Re: Case # [REDACTED] – Brant Hinchman, MD

Dear Brian Hill,

The [REDACTED] received your report concerning the above referenced individual or regulated facility. Thank you for bringing this matter to our attention. This case is currently pending assignment to an investigator. If the investigator has questions for you, they will contact you. In the meantime, if you have questions, my email address is [REDACTED].

Please note the following:

- [REDACTED] is required to give the licensee under investigation a copy of the report that you filed.
- [REDACTED] investigations are strictly confidential. [REDACTED] cannot provide you with copies of the investigative report or evidence collected, and I am not permitted to update you on what I discover during the investigation.
- [REDACTED] does not have the legal authority to order a health care provider to pay reimbursement or damages to patients, and we are unable to advise you regarding any legal action you may contemplate.
- The length of time needed for an investigation varies based on a number of factors, including the complexity of the case, the availability of witnesses/records, and the total investigative workload.

When the investigation is complete, it will be forwarded to the relevant health regulatory board for its review. The Board will determine if there was a violation of law or regulation, and whether disciplinary action should be taken. You will receive a written response directly from the Board informing you of the Board’s decision. For more information about investigative and disciplinary procedures, see our web page at [REDACTED]. If you lack access to the internet, you can call [REDACTED] or [REDACTED] to request a brochure.

I appreciate your cooperation and patience.

Sincerely,

Regional Manager

Presorted  
First-Class Mail  
US Postage Paid  
Richmond, VA  
[REDACTED]

Brian D. Hill  
c/o Roberta Hill  
310 Forest Street, Apt 2  
Martinsville VA 24112

Director

TEL  
FAX

July 20, 2022

Brian D. Hill  
c/o Roberta Hill  
310 Forest Street, Apt 2  
Martinsville, VA 24112

rbhill67@comcast.net  
VIA: E-MAIL

Re: Case # [REDACTED] – Brant Hinchman, MD

Dear Brian D. Hill,

The [REDACTED] received your report concerning the above referenced individual or regulated facility. Thank you for bringing this matter to our attention. I have been assigned to investigate. If I have questions for you, I will contact you. If you need to submit additional information or wish to schedule an interview, my email address is [REDACTED].

Please note the following:

- [REDACTED] is required to give the licensee under investigation a copy of the report that you filed.
- [REDACTED] investigations are strictly confidential. [REDACTED] cannot provide you with copies of the investigative report or evidence collected, and I am not permitted to update you on what I discover during the investigation.
- [REDACTED] does not have the legal authority to order a health care provider to pay reimbursement or damages to patients, and we are unable to advise you regarding any legal action you may contemplate.
- The length of time needed for an investigation varies based on a number of factors, including the complexity of the case, the availability of witnesses/records, and the total investigative workload.

When the investigation is complete, it will be forwarded to the relevant health regulatory board for its review. The Board will determine if there was a violation of law or regulation, and whether disciplinary action should be taken. You will receive a written response directly from the Board informing you of the Board's decision. For more information about investigative and disciplinary procedures, see our web page at [REDACTED]. If you lack access to the internet, you can call [REDACTED] to request a brochure.

I appreciate your cooperation and patience.

Sincerely,

[REDACTED]

[REDACTED]

Presorted  
First-Class Mail  
US Postage Paid  
Richmond, VA  
[REDACTED]

[REDACTED]

Brian D. Hill  
c/o Roberta Hill  
310 Forest Street, Apt 2  
Martinsville, VA 24112

# **EXHIBIT 9: Medical records from Sovah Health Martinsville (local hospital), dated Sunday, November 19, 2017. for**

attached to: "MOTION FOR JUDGMENT OF ACQUITTAL  
OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED  
UPON NEW EVIDENCE WHICH DISPROVES THE  
ELEMENTS OF CHARGED CRIME BY PROSECUTION,  
EVIDENCE WARRANTING NEW TRIAL OR  
ACQUITTAL"

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville,  
Virginia

Ally of Q, Former news reporter of USWGO Alternative News  
JUSTICEFORUSWGO.WORDPRESS.COM





HILL, BRIAN

EXHIBIT INDEX PAGE 71 OF 317  
ID: 000370912 19-Nov-2017 10:06:44

Memorial Hospital of Martinsville

27years

Male Caucasian

Vent. rate 105 bpm

PR interval 158 ms

QRS duration 92 ms

QT/QTc 328/433 ms

P-R-T axes 64 64 52

Sinus tachycardia

Possible Left atrial enlargement

Borderline ECG

Room: 6

Loc: 15

T HILL, BRIAN D

MM7805836274 PRE ER MM.ER

11/19/17 0850 UNKNOWN, UNKNOWN

DOB: 05/26/90 27 M MR# MM00370912

Sovah Health - Martinsville

Visit: MM7805836274

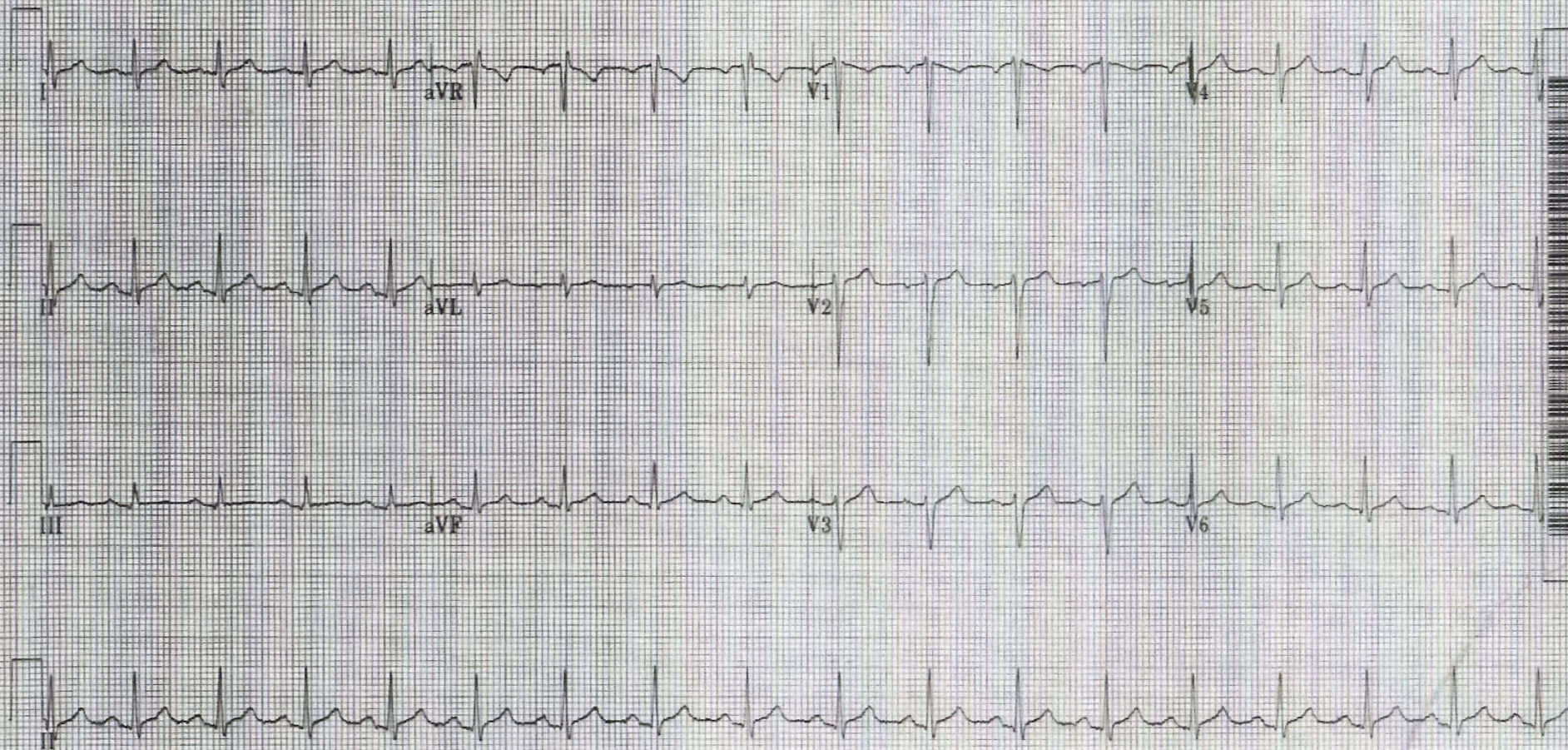
Secondary ID: MM216937

Referred by: EKUBAN-GORDON, EDNA

Order no.: 211490013

Unconfirmed

CHEST PAIN



100 Hz 25.0 mm/s 10.0 mm/mV

4 by 2.5s + 1 rhythm ld

MAC55 010B

128 241 HD

P/N 2009828-024

GE Healthcare

PRINTED IN U.S.A.



SOVAH HEALTH - MARTINSVILLE  
 320 HOSPITAL DRIVE - P.O. BOX 4788  
 MARTINSVILLE, VA 24112 (276)666-7360  
 CLIA NO. 49D0231853 RT CLIA NO. 4D0661287

PAGE:1

RUN DATE:11/23/17

## DISCHARGE SUMMARY FOR MEDICAL RECORDS FOR LABORATORY

CMAX: MM00370912~MM7805836274~LABDATA~20171123~LABDISMM1001869144~COCMMH~COCVAE~LAB.COCMMH~

<b>PATIENT:</b> HILL,BRIAN D		<b>ACCT #:</b> MM7805836274	<b>LOC:</b> MM.ER	<b>U #:</b> MM00370912
<b>REG DR:</b> EKUBAN-GORDON,EDNA MD		<b>AGE/SX:</b> 27/M	<b>ROOM:</b>	<b>REG:</b> 11/19/17
		<b>DOB:</b> 05/26/90	<b>BED:</b>	<b>DIS:</b>
		<b>STATUS:</b> DEP ER	<b>TLOC:</b>	

*****POINT OF CARE*****				
Date	-----11/19/17-----			
Time	1006	0943	Reference	Units
POC GLU	429 H	435 H	(65-100)	MG/DL
*****HEMATOLOGY*****				
Date	11/19/17			
Time	1007		Reference	Units
WBC	11.6 H		(4.5-11.0)	K/UL
RBC	5.32		(4.50-5.90)	M/UL
HGB	15.8		(14.0-17.5)	G/DL
HCT	46.0		(35.0-49.0)	%
MCV	86.5		(80-96)	UM3
MCH	29.7		(27-32)	PG
MCHC	34.3		(32-37)	G/DL
RDW	13.1		(11.5-14.5)	%
RDW-SD	41.1		(35.1-43.9)	f1
PLT	241		(140-440)	K/UL
MPV	10.8 H		(7.4-10.4)	f1
SEGS %	84 H		(37-80)	%
SEG ABSOLUTE	9.77 H		(1.5-6.8)	K/UL
LYMPH %	10		(10-50)	%
LYMPH ABSOLUTE	1.10		(1.0-4.0)	K/UL
MONO %	6		(0-12)	%
MONO ABSOLUTE	0.64		(0.2-1.0)	K/UL
EOS %	0		(0-7)	%
EOS ABSOLUTE	0.05		(0.0-0.5)	K/UL
BASO %	0		(0-2)	%
BASO ABSOLUTE	0.04		(0.0-0.2)	K/UL
IG %	0.3			%
IG ABSOLUTE	0.0		(0.0-0.1)	

<b>Patient:</b> HILL,BRIAN D	<b>Age/Sex:</b> 27/M	<b>Acct#</b> MM7805836274	<b>Unit#</b> MM00370912
------------------------------	----------------------	---------------------------	-------------------------

09:08 BP 131 / 76; Pulse 118; Resp 20; Temp 98.2; Pulse Ox 97% ; Weight 11  
91.63 kg; Height 5 ft. 10 in. (177.80 cm);  
11/19  
09:46 mkk  
11/19  
10:59 BP 124 / 73; Pulse 93; Resp 18; Pulse Ox 100% on R/A; mkk  
11/19  
12:57 BP 119 / 67; Pulse 97; Resp 19; Pulse Ox 98% on R/A; pt3  
11/19  
09:08 Body Mass Index 28.98 (91.63 kg, 177.80 cm) 11  
11/19  
09:46 patient has OCD and had to do his "routines" prior to coming, has mkk  
been about 4 hours since injury occurred

Glasgow Coma Score:  
11/19  
12:16 Eye Response: spontaneous(4). Verbal Response: oriented(5). Motor eeg  
Response: obeys commands(6). Total: 15.

Laceration:  
11/19  
12:11 Wound Repair of 3cm ( 1.2in ) subcutaneous laceration to forehead. eeg  
Linear shaped.. No foreign body noted. Distal neuro/vascular/tendon  
intact. Anesthesia: Wound infiltrated with 3 mls of 1% lidocaine w/  
Epi. Wound prep: Simple cleansing with betadine. Skin closed with 6  
1-0 Prolene using Staple gun. Dressed with pressure dressing. Patient  
tolerated well.

MDM:  
11/19  
09:27 MSE Initiated by Provider. eeg  
11/19  
12:12 Differential diagnosis: abrasion, closed head injury, concussion, eeg  
contusion, dislocation, fracture, laceration, multiple trauma,  
sprain, Substance abuse. Data reviewed: vital signs, nurses notes,  
lab test result(s), radiologic studies. Data interpreted: Cardiac  
monitor: Normal rate. Counseling: I had a detailed discussion with  
the patient and/or guardian regarding: the historical points, exam  
findings, and any diagnostic results supporting the discharge/admit  
diagnosis, lab results, radiology results, the need for outpatient  
follow up, to return to the emergency department if symptoms worsen  
or persist or if there are any questions or concerns that arise at  
home. Response to treatment: the patient's symptoms have markedly  
improved after treatment.

11/19  
09:46 Order name: POC GLU; Complete Time: 09:57 EDMS  
11/19  
09:56 Order name: CMP; Complete Time: 10:53 eeg  
11/19  
09:56 Order name: Complete Blood Count W/auto Diff; Complete Time: 10:53 eeg

11/19  
09:56 Order name: Thyroid Stimulating Hormone; Complete Time: 10:53 eeg  
11/19



11/19/17 12:14 Discharged to Home. Impression: Head Laceration/ Open wound of head, Hyperglycemia, unspecified.

- Condition is Stable.
- Discharge Instructions: Head Injury, Adult, Facial Laceration, Hyperglycemia, Easy-to-Read, Stitches, Staples, or Adhesive Wound Closure, Easy-to-Read.
- Medication Reconciliation form.
- Follow up: Private Physician; When: 2 - 3 days; Reason: Wound Recheck.
- Problem is new.
- Symptoms have improved.

Order Results:

Lab Order: POC GLU; SPEC'M 11/19/17 09:46

Test: POC GLU; Value: 435; Range: 65-100; Abnormal: Above high normal; Units: MG/DL; Status: F; Updated: 11/19 09:46

Lab Order: CMP; SPEC'M 11/19/17 10:11

Test: SODIUM; Value: 131; Range: 135-145; Abnormal: Below low normal; Units: MMOL/L; Status: F; Updated: 11/19 10:24

Test: POTASSIUM; Value: 4.4; Range: 3.5-5.0; Abnormal: ; Units: MMOL/L; Status: F; Updated: 11/19 10:24

Test: CHLORIDE; Value: 96; Range: 98-109; Abnormal: Below low normal; Units: MMOL/L; Status: F; Updated: 11/19 10:24

Test: CARBON DIOXIDE; Value: 26; Range: 20-30; Abnormal: ; Units: MMOL/L; Status: F; Updated: 11/19 10:24

Test: ANION GAP; Value: 9.0; Range: 1-10; Abnormal: ; Status: F; Updated: 11/19 10:24

Test: CALCIUM; Value: 9.0; Range: 8.5-10.3; Abnormal: ; Units: MG/DL; Status: F; Updated: 11/19 10:24

Test: BLOOD UREA NITROGEN; Value: 7; Range: 5-25; Abnormal: ; Units: MG/DL; Status: F; Updated: 11/19 10:34

Test: CREATININE; Value: 1.01; Range: 0.90-1.30; Abnormal: ; Units: MG/DL; Status: F; Updated: 11/19 10:34

Test: GLOMERULAR FILTRATION RATE; Value: 102; Abnormal: ; Status: F; Updated: 11/19 10:34

Test Note: 11/19 10:34 T nbsp;; Non-African American

Test: GLOMERULAR FILTRATION RATE-AA; Value: 118; Abnormal: ; Status: F; Updated: 11/19 10:34

Test Note: 11/19 10:34 T nbsp;; African American. eGFR UNITS: ml/min/1.73m2. \*eGFR >= 60 = Normal GFR or mild decrease in GFR \*eGFR 30-59 = Moderate decrease in GFR (Stage 3 CKD) \*eGFR 15-29 = Severe decrease in GFR (Stage 4 CKD) \*eGFR <15 = End-stage kidney failure (Stage 5 CKD) The equation has not been validated in patients >70 YRS OLD.

Test: TOTAL PROTEIN; Value: 7.8; Range: 6.0-8.0; Abnormal: ; Units: G/DL; Status: F; Updated: 11/19 10:34

Test: ALBUMIN; Value: 4.3; Range: 3.2-5.5; Abnormal: ; Units: G/DL; Status: F; Updated: 11/19 10:34

Test: ALB/GLOB RATIO; Value: 1.2; Range: 1.2-1.7; Abnormal: ; Units: RATIO; Status: F; Updated: 11/19 10:34

Test: GLOBULIN; Value: 3.5; Range: 2.5-3.9; Abnormal: ; Units: G/DL;

Status: F; Updated: 11/19 10:34  
 Test: BILIRUBIN, TOTAL; Value: 0.50; Range: 0.20-1.00; Abnormal: ;  
 Units: MG/DL; Status: F; Updated: 11/19 10:34  
 Test: SGOT/AST; Value: 27; Range: 10-42; Abnormal: ; Units: IU/L;  
 Status: F; Updated: 11/19 10:34  
 Test: SGPT/ALT; Value: 21; Range: 10-60; Abnormal: ; Units: IU/L;  
 Status: F; Updated: 11/19 10:34  
 Test: ALKALINE PHOSPHATASE; Value: 74; Range: 42-121; Abnormal: ;  
 Units: IU/L; Status: F; Updated: 11/19 10:34  
 Test: GLUCOSE, SERUM; Value: 459; Range: 65-100; Abnormal: Above  
 upper panic limits; Units: MG/DL; Status: F; Updated: 11/19 10:39  
 Test Note: 11/19 10:39 T nbsp;; CRITICAL RESULTS CALLED ON 11/19/17 AT  
 1035 TO: RINDY LAPRADE/RB/CALLED X 2 SNCE 1035 BY: CLIFTON,LYDIA C  
 Lab Order: Complete Blood Count W/auto Diff; SPEC'M 11/19/17 10:11  
 Test: WHITE BLOOD CELL; Value: 11.6; Range: 4.5-11.0; Abnormal: Above  
 high normal; Units: K/UL; Status: F; Updated: 11/19 10:18  
 Test: RED BLOOD CELL; Value: 5.32; Range: 4.50-5.90; Abnormal: ;  
 Units: M/UL; Status: F; Updated: 11/19 10:18  
 Test: HEMOGLOBIN; Value: 15.8; Range: 14.0-17.5; Abnormal: ; Units:  
 G/DL; Status: F; Updated: 11/19 10:18  
 Test: HEMATOCRIT; Value: 46.0; Range: 35.0-49.0; Abnormal: ; Units:  
 %; Status: F; Updated: 11/19 10:18  
 Test: MEAN CELL VOLUME; Value: 86.5; Range: 80-96; Abnormal: ; Units:  
 UM3; Status: F; Updated: 11/19 10:18  
 Test: MCH; Value: 29.7; Range: 27-32; Abnormal: ; Units: PG; Status:  
 F; Updated: 11/19 10:18  
 Test: MCHC; Value: 34.3; Range: 32-37; Abnormal: ; Units: G/DL;  
 Status: F; Updated: 11/19 10:18  
 Test: RELL CELL DISTRIBUTION WIDTH; Value: 13.1; Range: 11.5-14.5;  
 Abnormal: ; Units: %; Status: F; Updated: 11/19 10:18  
 Test: RDW STANDARD DEVIATION; Value: 41.1; Range: 35.1-43.9;  
 Abnormal: ; Units: fl; Status: F; Updated: 11/19 10:18  
 Test: PLATELETS; Value: 241; Range: 140-440; Abnormal: ; Units: K/UL;  
 Status: F; Updated: 11/19 10:18  
 Test: MEAN PLATELET VOLUME; Value: 10.8; Range: 7.4-10.4; Abnormal:  
 Above high normal; Units: fl; Status: F; Updated: 11/19 10:18  
 Test: SEGMENTED NEUTROPHIL PERCENT; Value: 84; Range: 37-80;  
 Abnormal: Above high normal; Units: %; Status: F; Updated: 11/19 10:18  
 Test: SEGMENTED NEUTROPHIL ABSOLUTE; Value: 9.77; Range: 1.5-6.8;  
 Abnormal: Above high normal; Units: K/UL; Status: F; Updated: 11/19  
 10:18  
 Test: LYMPHOCYTE PERCENT; Value: 10; Range: 10-50; Abnormal: ; Units:  
 %; Status: F; Updated: 11/19 10:18  
 Test: LYMPHOCYTES ABSOLUTE; Value: 1.10; Range: 1.0-4.0; Abnormal: ;  
 Units: K/UL; Status: F; Updated: 11/19 10:18  
 Test: MONOCYTE PERCENT; Value: 6; Range: 0-12; Abnormal: ; Units: %;  
 Status: F; Updated: 11/19 10:18  
 Test: MONOCYTE ABSOLUTE COUNT; Value: 0.64; Range: 0.2-1.0; Abnormal:  
 ; Units: K/UL; Status: F; Updated: 11/19 10:18  
 Test: EOSINOPHIL PERCENT; Value: 0; Range: 0-7; Abnormal: ; Units: %;  
 Status: F; Updated: 11/19 10:18  
 Test: EOSINOPHIL ABSOLUTE; Value: 0.05; Range: 0.0-0.5; Abnormal: ;  
 Units: K/UL; Status: F; Updated: 11/19 10:18  
 Test: BASOPHIL PERCENT; Value: 0; Range: 0-2; Abnormal: ; Units: %;



Status: F; Updated: 11/19 10:18  
 Test: BASOPHIL ABSOLUTE; Value: 0.04; Range: 0.0-0.2; Abnormal: ;  
 Units: K/UL; Status: F; Updated: 11/19 10:18  
 Test: IMMATURE GRANS PERCENT; Value: 0.3; Abnormal: ; Units: %;  
 Status: F; Updated: 11/19 10:18  
 Test: IMMATURE GRANS ABSOLUTE; Value: 0.0; Range: 0.0-0.1; Abnormal:  
 ; Status: F; Updated: 11/19 10:18  
 Lab Order: Thyroid Stimulating Hormone; SPEC'M 11/19/17 10:11  
 Test: THYROID STIMULATING HORMONE; Value: 1.29; Range: 0.34-5.60;  
 Abnormal: ; Units: uIU/ML; Status: F; Updated: 11/19 10:48  
 Lab Order: POC GLU; SPEC'M 11/19/17 10:13  
 Test: POC GLU; Value: 429; Range: 65-100; Abnormal: Above high  
 normal; Units: MG/DL; Status: F; Updated: 11/19 10:13

Radiology Order: Chest 1 View - Portable

Test: Chest 1 View - Portable

SOVAH HEALTH - MARTINSVILLE Name: HILL,BRIAN D ; RADIOLOGY DEPT Phys:  
 EKUBAN-GORDON,EDNA MD ; 320 HOSPITAL DR DOB: 05/26/1990 Age: 27 Sex:  
 M ; MARTINSVILLE, VA 24112 Acct: MM7805836274 Loc: MM.ER ; PHONE #:  
 276-666-7223 Exam Date: 11/19/2017 Status: DEP ER ; FAX #:  
 276-666-7591 Radiology No: ; Unit No: MM00370912 ; EXAMS: EXAM  
 REASON: ; 000898111 CHEST 1 VIEW - PORTABLE Chest Tightness ;  
 PORTABLE CHEST ; HISTORY: Seizure. ; COMPARISON: 11/10/2015 ;  
 FINDINGS: The heart size and configuration are within normal limits ;  
 for age and portable technique. The lungs are clear. There is no ;  
 evidence of pleural effusions or pneumothorax. No acute bony ;  
 abnormality. ; IMPRESSION: No evidence of acute cardiopulmonary  
 disease. ; \*\* Electronically Signed by MAROON B KHOURY on 11/19/2017  
 at 1424 \*\* ; Reported by: DR. MAROON B KHOURY ; Signed by:  
 KHOURY,MAROON B ; ; CC: EDNA EKUBAN-GORDON MD ; ; Technologist: KYLEA  
 ANN KEATTS ; Transcribed Date/Time: 11/19/2017 (1146) ;  
 Transcriptionist: MMTRSPSB ; Orig Print D/T: S: 11/19/2017 (1424) ;  
 Reprint D/T: 11/19/2017 (1424) BATCH NO: N/A ;  
 Radiology Order: CT Head w/o Contrast

Test: CT Head w/o Contrast

SOVAH HEALTH - MARTINSVILLE Name: HILL,BRIAN D ; RADIOLOGY DEPT Phys:  
 EKUBAN-GORDON,EDNA MD ; 320 HOSPITAL DR DOB: 05/26/1990 Age: 27 Sex:  
 M ; MARTINSVILLE, VA 24112 Acct: MM7805836274 Loc: MM.ER ; PHONE #:  
 276-666-7223 Exam Date: 11/19/2017 Status: DEP ER ; FAX #:  
 276-666-7591 Radiology No: ; Unit No: MM00370912 ; EXAMS: EXAM  
 REASON: ; 000898114 CT HEAD W/O CONTRAST ; UNENHANCED HEAD CT ;  
 HISTORY: Head injury. ; COMPARISON: 11/10/2015 ; TECHNIQUE: This CT  
 examination was performed using one or more of the ; following dose  
 reduction techniques: automated exposure control, ; adjustment of the  
 MA and/or KV according to patient size, and/or use ; of iterative  
 reconstruction techniques. ; Axial CT images were obtained through  
 the brain without the use of ; intravenous contrast. ; FINDINGS:

There is no evidence of acute infarct, intracranial ; hemorrhage, or  
 mass effect. Ventricles and sulci are normal for the ; patient's age.  
 Calvarium is intact. Visualized portions of the ; paranasal sinuses  
 and orbits are normal. ; IMPRESSION: Negative for acute intracranial  
 process. ; \*\* Electronically Signed by MAROON B KHOURY on 11/19/2017  
 at 1424 \*\* ; Reported by: DR. MAROON B KHOURY ; Signed by:  
 KHOURY,MAROON B ; ; CC: EDNA EKUBAN-GORDON MD ; ; Technologist:

Discharge Instructions for: Brian Hill

HILL, BRIAN D

MM7805836274 PRE ER MM.ER

11/19/17 0850 UNKNOWN, UNKNOWN

DOB: 05/26/90 27 M MR# MM00370912

Sovah Health - Martinsville

**Sovah Health Martinsville**
 320 Hospital Drive  
 Martinsville, VA 24112  
 276-666-7237

**Emergency Department  
 Instructions for:**
**Hill, Brian D****Arrival Date:****Sunday, November 19, 2017**
 11/19/17  
 97  
 018.1  
 18.

Thank you for choosing **Sovah Health Martinsville** for your care today. The examination and treatment you have received in the Emergency Department today have been rendered on an emergency basis only and are not intended to be a substitute for an effort to provide complete medical care. You should contact your follow-up physician as it is important that you let him or her check you and report any new or remaining problems since it is impossible to recognize and treat all elements of an injury or illness in a single emergency care center visit.

**Care provided by:** Ekuban-Gordon, Edna, MD**Diagnosis:** Head Laceration/ Open wound of head; Hyperglycemia, unspecified

DISCHARGE INSTRUCTIONS	FORMS
Head Injury, Adult Facial Laceration Hyperglycemia, Easy-to-Read Stitches, Staples, or Adhesive Wound Closure, Easy-to-Read	Medication Reconciliation
FOLLOW UP INSTRUCTIONS	PRESCRIPTIONS
<b>Private Physician</b> When: 2 - 3 days; Reason: Wound Recheck	None
SPECIAL NOTES	
None	

**Suicide National Hotline:** 1-800-273-8255 (800-273-TALK)

If you received a narcotic or sedative medication during your Emergency Department stay you should not drive, drink alcohol or operate heavy machinery for the next 8 hours as this medication can cause drowsiness, dizziness, and decrease your response time to events.

I hereby acknowledge that I have received a copy of my transition care record and understand the above instructions and prescriptions.

  
 Brian Hill

MRN # MM00370912

  
 ED Physician or Nurse  
 11/19/2017 12:14
**X-RAYS and LAB TESTS:**

If you had x-rays today they were read by the emergency physician. Your x-rays will also be read by a radiologist within 24 hours. If you



Discharge Instructions for: Brian Hill

had a culture done it will take 24 to 72 hours to get the results. If there is a change in the x-ray diagnosis or a positive culture, we will contact you. Please verify your current phone number prior to discharge at the check out desk.

**MEDICATIONS:**

If you received a prescription for medication(s) today, it is important that when you fill this you let the pharmacist know all the other medications that you are on and any allergies you might have. It is also important that you notify your follow-up physician of all your medications including the prescriptions you may receive today.

**TESTS AND PROCEDURES****Labs**

CMP, Complete Blood Count W/auto Diff, Thyroid Stimulating Hormone, POC GLU, POC GLU

**Rad**

CT Head w/o Contrast, Chest 1 View - Portable

**Procedures**

Blood Sugar, 12 Lead EKG, Laceration

**Other**

Seizure precautions, Accucheck, Cardiac Monitor, Apply to Pt, Pulse ox continuous, Oxygen at 2 L/NC, IV saline lock, EKG ED, Laceration repair set up

**Chart Copy****HILL, BRIAN D**

MM7805836274 PRE ER MM.ER

11/19/17 0850 UNKNOWN, UNKNOWN

DOB: 05/26/90 27 M MR# MM00370912

Sovah Health - Martinsville



## EMERGENCY DEPARTMENT RECORD

## Nurse's Notes

Sovah Health Martinsville

Name: Brian Hill

Age: 27 yrs

Sex: Male

DOB: 05/26/1990

MRN: MM00370912

Arrival Date: 11/19/2017

Time: 08:51

Account#: MM7805836274

Bed ER 6

Private MD:

Diagnosis: Head Laceration/ Open wound of head;Hyperglycemia, unspecified

## Presentation:

11/19

09:08 Presenting complaint: Patient states: had a seizure this morning due to low blood sugar, laceration to head per pt, bleeding controlled. 11

Airway is patent with good air movement. The patient is breathing without difficulty. The patient is pink, warm and dry. Heart rate is within normal limits. Patient is alert and oriented to person, place and time, Patient is moving all extremities appropriately.

11/19

09:08 Acuity: Urgent (3)

11

## Historical:

- Allergies: Ranitidine;

- Home Meds:

1. Unable to Obtain

- PMHx: OCD; autism; Diabetes - IDDM;

- Sepsis Screening:: Sepsis screening negative at this time.

- Social history:: Tobacco Status: The patient states he/she has never used tobacco. The patient's primary language is English. The patient's preferred language is English.

- Family history:: Reviewed and not pertinent.

- Exposure Risk/Travel Screening:: Patient has not been out of the country in last 30 days. Have you been in contact with anyone who is ill that has traveled outside of the country in the last 30 days? No.

- Suicide Screening:: Have you recently had thoughts about hurting yourself or others? No.

- Tuberculosis screening:: No symptoms or risk factors identified.

## Screening:

11/19

09:41 Fall Risk: Total Points: Med. Risk (25-44);. Abuse Screen: Patient verbally denies physical, verbal and emotional abuse/neglect. There are no cultural/spiritual considerations for care for this patient. mkk

## Assessment:

11/19

09:38 Complains of pain in face Pain does not radiate. Pain currently is 7 mkk

out of 10 on a pain scale. The level of pain that is acceptable is 0 out of 10 on a pain scale. General: Appears in no apparent distress, comfortable, well developed, well nourished, well groomed, Behavior is appropriate for age, cooperative, pleasant. Neuro: Reports headache. Neuro: Reports seizure due to low blood sugar. EENT: Denies. Cardiovascular: Denies. Respiratory: Denies. GI: Denies. GU: Denies. Derm: Denies. Musculoskeletal: Denies. Injury Description: Laceration sustained to face is clean, 0.5 to 2.5 cm long, not bleeding, was sustained 4-6 hours ago.

11/19

09:38 Method Of Arrival: EMS

mkk

Vital Signs:

11/19

09:08 BP 131 / 76; Pulse 118; Resp 20; Temp 98.2; Pulse Ox 97% ; Weight 91.63 kg; Height 5 ft. 10 in. (177.80 cm);

11

11/19

09:46

mkk

11/19

10:59 BP 124 / 73; Pulse 93; Resp 18; Pulse Ox 100% on R/A;

mkk

11/19

12:57 BP 119 / 67; Pulse 97; Resp 19; Pulse Ox 98% on R/A;

pt3

11/19

09:08 Body Mass Index 28.98 (91.63 kg, 177.80 cm)

11

11/19

09:46 patient has OCD and had to do his "routines" prior to coming, has been about 4 hours since injury occurred

mkk

Glasgow Coma Score:

11/19

12:16 Eye Response: spontaneous(4). Verbal Response: oriented(5). Motor Response: obeys commands(6). Total: 15.

eeg

ED Course:

11/19

08:51 Patient arrived in ED.

knm

11/19

09:09 Rapid Initial Assessment completed.

11

11/19

09:27 Ekuban-Gordon, Edna, MD is Attending Physician.

eeg

11/19

09:41 Patient has correct armband on for positive identification. Placed in gown. Bed in low position. Call light in reach. Side rails up X2.

Adult with patient. Seizure precautions initiated. NIBP on. Pulse ox on.

11/19

09:41 No physician assisted procedures were completed.

mkk

11/19

10:01 Inserted saline lock: 20 gauge right arm blood drawn from IV and sent to lab per order.

11/19

10:08 EKG Done By ED Tech 10:06 Reviewed by Physician Edna Ekuban-Gordon MD.bh

11/19

10:40 Critical Lab Value: Patient Name verified: Brian Hill, Patient DOB

11



Verified May 26, 1990 Critical value glucose 459 reported read back to reporting lab personnel, and reported to Dr. Edna Ekuban-Gordon MD.

11/19

10:59 Assist provider with laceration repair Set up tray. mkk

11/19

11:53 Troncoso, Priscilla, RN is Primary Nurse. pt3

#### Administered Medications:

11/19

10:59 Drug: NS 0.9% 1000 ml Route: IV; Rate: 999 mL/hr; Site: right arm; mkk

11/19

12:59 Follow up: Response: No adverse reaction; IV Status: Completed infusion pt3

11/19

11:02 Drug: NovoLIN R 7 units {Co-Signature: mkk (Michaela Karet RN).} ll

Route: IVP; Site: right arm;

11/19

12:58 Follow up: Response: No adverse reaction pt3

#### Point of Care Testing:

##### Blood Glucose:

11/19

09:40 Glucose Value: 489; mkk

11/19

09:43 Glucose Value: 435; mkk

11/19

09:40 test repeated mkk

##### Ranges:

#### Output:

11/19

11:28 Urine: 600ml (Voided); Total: 600ml. dab

#### Outcome:

11/19

12:14 Discharge ordered by Provider. eeg

11/19

12:57 Discharged to home ambulatory, with family. pt3

12:57 Instructions given to patient, parent, Instructed on discharge instructions. follow up and referral plans. . Patient and/or family voiced understanding of instructions using teach back method.

12:57 The patients' shirt, pants, shoes, socks and underwear were sent with the patient.

12:57 Discharge Assessment: Patient

12:57 Discharge Assessment: Patient has no functional deficits.

12:57 Discontinued IV lock intact, bleeding controlled, pressure dressing applied, No redness/swelling at site.

11/19

13:24 Patient left the ED. jkp

#### Signatures:

Harrison, Rindi, RN

RN ll

Ekuban-Gordon, Edna, MD

MD eeg

## EMERGENCY DEPARTMENT RECORD

## Physician Documentation

Sovah Health Martinsville

Name: Brian Hill

Age: 27 yrs

Sex: Male

DOB: 05/26/1990

MRN: MM00370912

Arrival Date: 11/19/2017

Time: 08:51

Account#: MM7805836274

Bed ER 6

Private MD:

ED Physician Ekuban-Gordon, Edna

HPI:

11/19

11:49 This 27 yrs old White Male presents to ER via EMS with complaints of eeg  
Fall Injury.

11/19

11:49 Onset: The symptoms/episode began/occurred today. Associated eeg  
injuries: The patient sustained injury to the head. Associated signs  
and symptoms: Loss of consciousness: the patient experienced no loss  
of consciousness. Severity of symptoms: in the emergency department  
the symptoms are unchanged. Pain Management: Patient denies pain. The  
patient has experienced similar episodes in the past, a few times.  
The patient has not recently seen a physician. Family report history  
of low blood sugar, general low will have seizure episode when the  
blood sugar is low. Blood sugar was obtained by mom at 20 repeat 40  
was subsequently given some oral glucose and brought here for further  
evaluation. Patient denies any headache palpitation no neck pain and  
stiffness. Admits to feeling like himself..

## Historical:

- Allergies: Ranitidine;

- Home Meds:

1. Unable to Obtain

- PMHx: OCD; autism; Diabetes - IDDM;

- Sepsis Screening:: Sepsis screening negative at this time.

- Social history:: Tobacco Status: The patient states he/she has  
never used tobacco. The patient's primary language is English. The  
patient's preferred language is English.

- Family history:: Reviewed and not pertinent.

- Exposure Risk/Travel Screening:: Patient has not been out of the  
country in last 30 days. Have you been in contact with anyone who  
is ill that has traveled outside of the country in the last 30  
days? No.

- Suicide Screening:: Have you recently had thoughts about hurting  
yourself or others? No.

- Tuberculosis screening:: No symptoms or risk factors identified.

- The history from nurses notes was reviewed: and I agree with what  
is documented up to this point.

## ROS:



11/19

11:52 Eyes: Negative for injury, pain, redness, and discharge, ENT: eeg  
 Negative for injury, pain, and discharge, Neck: Negative for injury,  
 pain, and swelling, Cardiovascular: Negative for chest pain,  
 palpitations, and edema, Respiratory: Negative for shortness of  
 breath, cough, wheezing, and pleuritic chest pain, Abdomen/GI:  
 Negative for abdominal pain, nausea, vomiting, diarrhea, and  
 constipation, Back: Negative for injury and pain, MS/Extremity:  
 Negative for injury and deformity. All other systems are negative,  
 except as documented below. Skin: Positive for laceration(s), of the  
 face. Neuro: Negative for dizziness, headache, weakness. Psych:  
 Negative for depression, alcohol dependence, homicidal ideation,  
 suicide gesture.

Exam:

11/19

11:53 Eyes: Pupils equal round and reactive to light, extra-ocular motions eeg  
 intact. Lids and lashes normal. Conjunctiva and sclera are  
 non-icteric and not injected. Cornea within normal limits.  
 Periorbital areas with no swelling, redness, or edema. ENT: Nares  
 patent. No nasal discharge, no septal abnormalities noted. Tympanic  
 membranes are normal and external auditory canals are clear.  
 Oropharynx with no redness, swelling, or masses, exudates, or  
 evidence of obstruction, uvula midline. Mucous membrane moist Neck:  
 Trachea midline, no thyromegaly or masses palpated, and no cervical  
 lymphadenopathy. Supple, full range of motion without nuchal  
 rigidity, or vertebral point tenderness. No Meningismus.  
 Chest/axilla: Normal chest wall appearance and motion. Nontender  
 with no deformity. No lesions are appreciated. Cardiovascular:  
 Regular rate and rhythm with a normal S1 and S2. ,no jvd No pulse  
 deficits. Respiratory: Lungs have equal breath sounds bilaterally,  
 clear to auscultation and percussion. No rales, rhonchi or wheezes  
 noted. No increased work of breathing, no retractions or nasal  
 flaring. Abdomen/GI: Soft, non-tender, with normal bowel sounds. No  
 distension or tympany. No guarding or rebound. No evidence of  
 tenderness throughout. Back: No spinal tenderness. No  
 costovertebral tenderness. Full range of motion. MS/ Extremity:  
 Pulses equal, no cyanosis. Neurovascular intact. Full, normal range  
 of motion. Neuro: Awake and alert, GCS 15, oriented to person,  
 place, time, and situation. Cranial nerves II-XII grossly intact.  
 Motor strength 5/5 in all extremities. Sensory grossly intact.  
 Cerebellar exam normal. Normal gait., slow, but appropriate Psych:  
 Awake, alert, with orientation to person, place and time. Behavior,  
 mood, and affect are within normal limits.  
 11:53 Constitutional: The patient appears alert, awake, non-diaphoretic.  
 11:53 Head/face: Noted is a laceration(s), that is linear, 3 cm(s).  
 11:53 Musculoskeletal/extremity: Extremities: all appear grossly normal,  
 with no appreciated pain with palpation, ROM: intact in all  
 extremities, Circulation is intact in all extremities. Sensation  
 intact.  
 11:53 Psych: Behavior/mood is cooperative.

Vital Signs:

11/19



SOVAH HEALTH - MARTINSVILLE

PAGE:2

320 HOSPITAL DRIVE - P.O. BOX 4788

MARTINSVILLE, VA 24112 (276)666-7360

CLIA NO. 49D0231853 RT CLIA NO. 4D0661287

RUN DATE:11/23/17

## DISCHARGE SUMMARY FOR MEDICAL RECORDS FOR LABORATORY

<b>Patient:</b> HILL,BRIAN D		#MM7805836274		<b>(Continued)</b>	
*****CHEMISTRY*****					
Date	11/19/17			Reference	Units
Time	1007				
BUN	7			(5-25)	MG/DL
CREATININE	1.01			(0.90-1.30)	MG/DL
eGFR NON-AA	102 (A)				
(A) Non-African American					
eGFR AA	118 (B)				
(B) African American.					
eGFR UNITS: ml/min/1.73m2.					
*eGFR >= 60 = Normal GFR or mild decrease in GFR					
*eGFR 30-59 = Moderate decrease in GFR (Stage 3 CKD)					
*eGFR 15-29 = Severe decrease in GFR (Stage 4 CKD)					
*eGFR <15 = End-stage kidney failure (Stage 5 CKD)					
The equation has not been validated in patients >70 YRS OLD.					
SODIUM	131	L		(135-145)	MMOL/L
POTASSIUM	4.4			(3.5-5.0)	MMOL/L
CHLORIDE	96	L		(98-109)	MMOL/L
CO2	26			(20-30)	MMOL/L
ANION GAP	9.0			(1-10)	
GLUCOSE	459 (C)	*H		(65-100)	MG/DL
(C) CRITICAL RESULTS CALLED ON 11/19/17					
AT 1035 TO: RINDY LAPRADE/RB/CALLED X 2 SNCE 1035					
BY: CLIFTON,LYDIA C					
CALCIUM	9.0			(8.5-10.3)	MG/DL
TOTAL PROTEIN	7.8			(6.0-8.0)	G/DL
ALBUMIN	4.3			(3.2-5.5)	G/DL
AG	1.2			(1.2-1.7)	RATIO
GLOBULIN	3.5			(2.5-3.9)	G/DL
T BILI	0.50			(0.20-1.00)	MG/DL
SGOT/AST	27			(10-42)	IU/L
SGPT/ALT	21			(10-60)	IU/L
ALK PHOS	74			(42-121)	IU/L
TSH	1.29			(0.34-5.60)	uIU/ML
<b>Patient:</b> HILL,BRIAN D		<b>Age/Sex:</b> 27/M		<b>Acct#</b> MM7805836274 <b>Unit#</b> MM00370912	

2515

MM00370912

MM7805836274

SOVAH Health - Martinsville

SOVAH HEALTH - MARTINSVILLE  
RADIOLOGY DEPT  
320 HOSPITAL DR  
MARTINSVILLE, VA 24112  
PHONE #: 276-666-7223  
FAX #: 276-666-7591

Name: HILL, BRIAN D  
Phys: EKUBAN-GORDON, EDNA MD  
DOB: 05/26/1990 Age: 27 Sex: M  
Acct: MM7805836274 Loc: MM.ER  
Exam Date: 11/19/2017 Status: DEP ER  
Radiology No:  
Unit No: MM00370912

EXAMS: 000898111 CHEST 1 VIEW - PORTABLE  
EXAM REASON: Chest Tightness

PORTABLE CHEST

HISTORY: Seizure.

COMPARISON: 11/10/2015

FINDINGS: The heart size and configuration are within normal limits for age and portable technique. The lungs are clear. There is no evidence of pleural effusions or pneumothorax. No acute bony abnormality.

IMPRESSION: No evidence of acute cardiopulmonary disease.

\*\* Electronically Signed by MAROON B KHOURY on 11/19/2017 at 1424 \*\*  
Reported by: DR. MAROON B KHOURY  
Signed by: KHOURY, MAROON B

CC: EDNA EKUBAN-GORDON MD

Technologist: KYLEA ANN KEATTS  
Transcribed Date/Time: 11/19/2017 (1146)  
Transcriptionist: MMTRSPSB  
Orig Print D/T: S: 11/19/2017 (1424)

BATCH NO: N/A

PAGE 1

Signed Report

**EXHIBIT 10: Article printout by family,  
Entitled: “Police: Naked Man High On  
Bath Salts Chases Down Car”, “MARCH  
11, 2013 / 9:49 AM / CBS  
PITTSBURGH”**

**for**

attached to: “MOTION FOR JUDGMENT OF ACQUITTAL  
OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED  
UPON NEW EVIDENCE WHICH DISPROVES THE  
ELEMENTS OF CHARGED CRIME BY PROSECUTION,  
EVIDENCE WARRANTING NEW TRIAL OR  
ACQUITTAL”

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville,  
Virginia

Ally of Q, Former news reporter of USWGO Alternative News  
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## Police: Naked Man High On Bath Salts Chases Down Car



MARCH 11, 2013 / 9:49 AM / CBS PITTSBURGH

ALTOONA, Pa. (AP) - Police say a man was high on the synthetic stimulant known as bath salts when he was naked and chased a car down the street in central Pennsylvania.

Online court records don't list an attorney for 35-year-old Douglas Leary III, of Altoona, who was arrested after a woman in the car called 911 to report the man's behavior early Saturday morning.

Court records show Leary faces a preliminary hearing April 10 on charges including indecent exposure, open lewdness and resisting arrest.

Watch CBS News

Altoona police say Leary told them he was high on the drug, also known as MDPV or Blizzard, as they fought to control him.

Leary was treated at a hospital emergency room before he was released.

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In: [Blizzard](#)

*First published on March 11, 2013 / 9:49 AM*

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# **EXHIBIT 11: Article printout by family, Entitled: ““Autistic boy, 13, found naked in house filled with human feces and dead rodents: police””**

**for**

attached to: “MOTION FOR JUDGMENT OF ACQUITTAL  
OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED  
UPON NEW EVIDENCE WHICH DISPROVES THE  
ELEMENTS OF CHARGED CRIME BY PROSECUTION,  
EVIDENCE WARRANTING NEW TRIAL OR  
ACQUITTAL”

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville,  
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Trump's a psychopath



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U.S.

## Autistic boy, 13, found naked in house filled with human feces and dead rodents: police

By Beth Stebner

NEW YORK DAILY NEWS • May 17, 2013 at 7:32 pm



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✕ Expand



Police in Colorado Springs have cited the parents of an autistic teen who was found naked inside a home with human feces and rodents. He told police he didn't remember ever being allowed outside.

Listen to this article



A 13-year-old autistic boy was found naked in a Colorado house rank with human feces and dead rodents, authorities said Friday.

Officers in Colorado Springs discovered the teenager on Thursday during a welfare visit, only to find the boy wallowing in filth, and without clothes.



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He told authorities that he was an only child and was homeschooled, adding that he didn't remember ever being able to go play outside.

Neighbors confirmed to authorities that they hadn't seen the boy outside in several years, according to the Colorado Springs police blotter.

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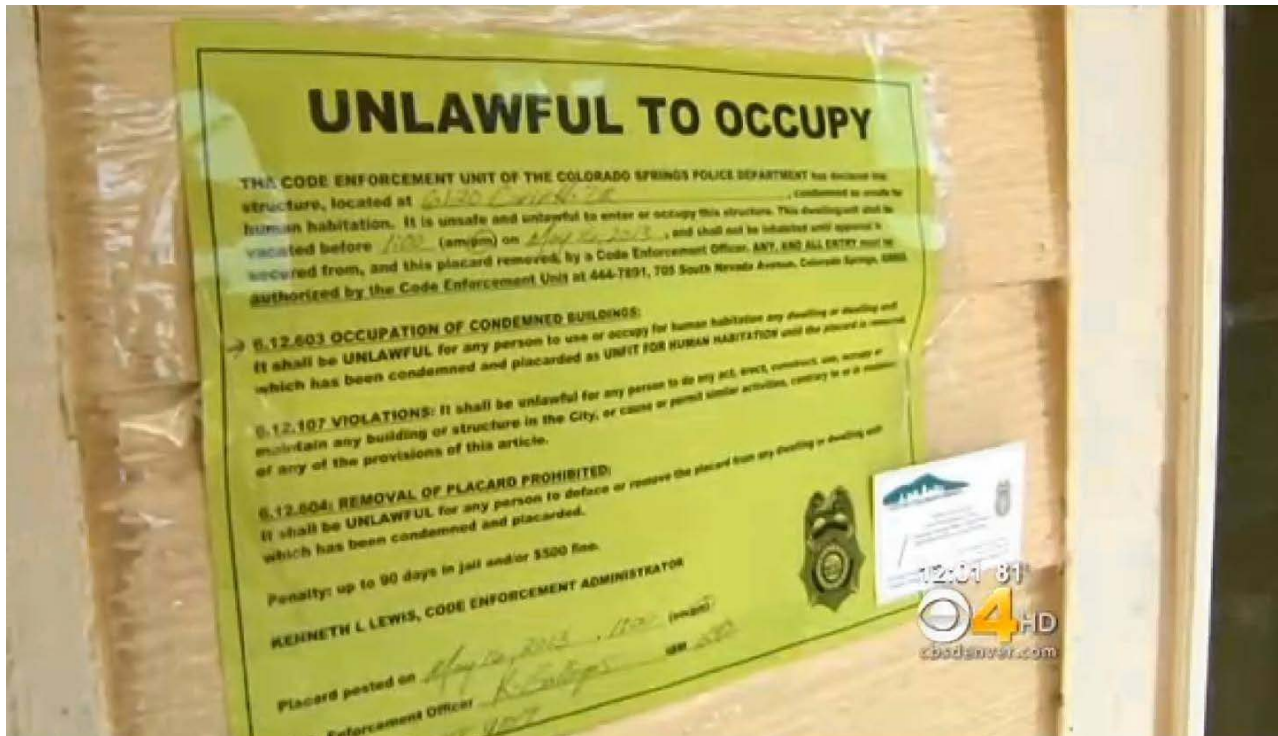
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Police immediately condemned the home and took the boy to a local hospital, where the Department of Health and Human Services took over the case. (denver.cbslocal.com)

The teenager was taken to a hospital and his case was taken over by the Dept. of Health and Human Services.

The boy's parents were not home at the time of the inspection.

[CBS Denver](#) reported that the house was deemed "unsanitary" and was immediately condemned.



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Charles Wingate, the boy's father and a former Colorado Springs city councilman, was arrested; he told a local news station that while there were some dead rodents, police were exaggerating the house's conditions. (Colorado Springs Police)

The boy's father, identified as Charles Wingate, served as a former city councilman for Colorado Springs. He resigned from the post 10 years ago after a number of felony charges were brought up against him.

Wingate told the [Denver Channel](#) that police had misinterpreted his son's statement. "He is not someone who likes to go outside a great deal," he told the station.

When asked about the conditions inside the condemned house, Wingate responded, "There are some rodents in the house ... feces all over the house? I don't believe that's an accurate statement."

He and his wife, Sharon Starkey, were arrested and face charges of child neglect, a misdemeanor.

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Cellphone video captures random attack on subway train, cops said.

NY Daily News

## Man, 19, killed in caught-on-video Bronx shooting

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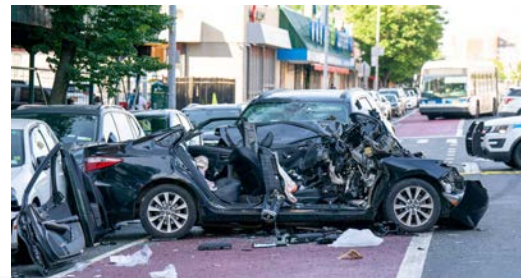
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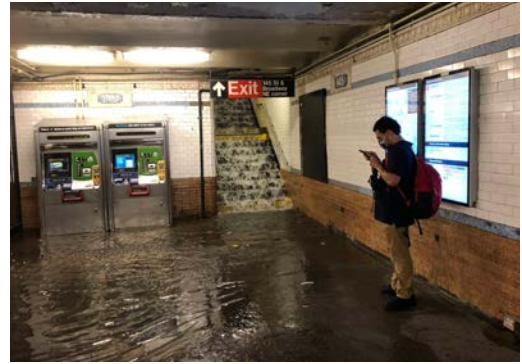
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**EXHIBIT 12: Article printout by family,  
Entitled: Article printout by family,  
Entitled: “How to Stop Your Autistic Child  
From Taking Their Clothes Off”, “Medically  
reviewed Pilar Trelles, MD”.**

**for**

attached to: “MOTION FOR JUDGMENT OF ACQUITTAL  
OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED  
UPON NEW EVIDENCE WHICH DISPROVES THE  
ELEMENTS OF CHARGED CRIME BY PROSECUTION,  
EVIDENCE WARRANTING NEW TRIAL OR  
ACQUITTAL”

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville,  
Virginia

Ally of Q, Former news reporter of USWGO Alternative News  
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MENTAL HEALTH > NEURODEVELOPMENTAL DISORDERS > AUTISM > AUTISM  
& FAMILY LIFE

# How to Stop Your Autistic Child From Taking Their Clothes Off

By [Lisa Jo Rudy](#) | Updated on May 23, 2022

✓ Medically reviewed by [Pilar Trelles, MD](#)

✓ Fact checked by [Nick Blackmer](#)

Parents of toddlers often worry about when their child suddenly takes all of their clothes off. Not only is public nudity frowned upon after infancy, but diaper-less children who are not [potty-trained](#) can cause a real mess.

While parents of typical children can usually resolve this issue at an early age, the same may not be true of parents of [children with autism](#). In some cases, the behavior may persist well beyond what is considered an acceptable age. This may not only cause problems at school but attract upsetting calls from parents or teachers.



2536



Roberto Westbrook / Blend Images / Getty Images

This article explains why some children with autism have trouble keeping their clothes on. It also offers practical tips on how to help a child with autism stay dressed and learn new behaviors.

## Why Children With Autism Undress

In most cases, children with autism remove their clothes because they're uncomfortable. This can occur even if you've chosen comfortable clothing made of soft, natural fibers.

The behavior tends to occur because children with autism often have sensory challenges that cause them to react strongly to tactile (related to touch) and even visual sensations. <sup>[1]</sup>

Among some of the examples:

A child with autism may be overly sensitive to scratchy seams and tags.

2537



They may be reacting to itchiness caused by allergies.

They may find a new piece of clothing or a fabric pattern distressing.

The issue is complicated by the fact that children with autism don't respond to other people's reactions in the same way that typical kids do. They have limitations in their comprehension of emotional cues that typical kids can otherwise pick up. <sup>[2]</sup>

For example:

A child with autism may be less aware of others' expectations of them.

They may not be attuned to the idea of imitating their peers.

They may not understand what is being asked of them by frustrated adults.

They may not have the language skills to describe the discomfort they're feeling.

## Recap

Children with autism may remove their clothes if they find the sensation uncomfortable or distressing. They may not understand what they are doing is inappropriate because they often lack the ability to comprehend the emotional cues of others around them. <sup>[2]</sup>

**Related:** [20 Ways to Help a Child With Autism to Manage Meltdowns](#)

## How to Help Your Child Stay Dressed

Given the reality that a child with autism may have some difficulties keeping those clothes on, how should you as a parent or guardian respond?

There are a few routes you can take:

### Identify and Adjust the Problem





discomfort or distress.

If your child is verbal, simply ask what is making them uncomfortable. But avoid general questions like "Are you uncomfortable?" Instead, ask if the piece of clothing is scratchy or tight. Be specific.

If your child is not verbal, try out several outfits and see which ones they are more responsive to and less responsive to.

When buying new clothes, remove all tags or anything that can press against the skin. Run your finger along the seams and hems, and snip off any burrs or loose strings you find.

If your child is responding to clothing that is too loose, find clothes that give a little squeeze. A less expensive option is to choose Lycra/spandex shirts, shorts, or leggings that provide a little compression. You can also opt for a more expensive compression suit or [weighted vest](#).

**Related:** [Autism, Sensory Processing Disorder, and Sensory Integration](#)

## Use Behavioral Modification

If you can't identify a sensory cause for the behavior, the next step is to actively teach your child to keep their clothes on. This involves behavioral modification techniques that use positive reinforcement of appropriate behaviors and compassionate adjustment of inappropriate ones. <sup>[3]</sup>

There are several things you can do:

Teach your child using picture books like "Where Do Pants Go?" by Rebecca van Slyke.

Draw attention to how their peers stay dressed.

Create a sticker chart, awarding stars or stickers if your child keeps their clothes on for a specific amount of time.

Tools like sticker charts are a type of reward system <sup>[4]</sup> commonly used in [applied behavioral analysis \(ABA\)](#). ABA is a form of therapy that focuses



strategies specific to your child.

## Find Practical Solutions

If neither clothing adjustments nor behavioral modifications help, you may need to find practical, short-term solutions. This involves making it physically impossible for your child to remove their clothes.

There are several ways to do this:

Put fasteners in the back so your child can't reach them.

Dress your child in layers so that it is harder to fully strip.

Buy footed outfits, like pajamas or onesies, and put them on backward.

Use a safety pin to block a zipper from being unzipped.

Replace snaps with more complex fasteners, such as hook-and-eye fasteners.

## Recap

You can help a child with autism keep their clothes on by identifying and addressing the cause of their discomfort. You can also use positive reinforcement to reward a child for keeping their clothes on. As a stopgap measure, find clothes that are more difficult to remove.

## Summary

Children with autism will sometimes take off their clothes if they find them uncomfortable or distressing. While this is also true of typical kids, children with autism may continue to do so at a later age. Part of the reason for this is that they don't pick up on emotional cues as typical children do. As a result, they may not comprehend that what they are doing is inappropriate.

You can help a child with autism keep their clothes on by identifying the cause of their discomfort. You can also teach the child to keep their clothes



As a stopgap, find clothes that are difficult to remove. You can also put their clothes on backward so they can't reach the fasteners.

## A Word From Verywell

The good news is that the vast majority of children with autism do eventually learn to keep their clothes on. In the meantime, keep calm and focus on rewarding the child for appropriate behaviors rather than punishing them for inappropriate ones.

Punishing a child with autism for undressing does little to change behaviors—and may only escalate the situation by making you more upset.

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# **EXHIBIT 13: Article printout by family, Entitled: “Naked girl found walking along I-5 near Ashland” for**

attached to: “MOTION FOR JUDGMENT OF ACQUITTAL  
OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED  
UPON NEW EVIDENCE WHICH DISPROVES THE  
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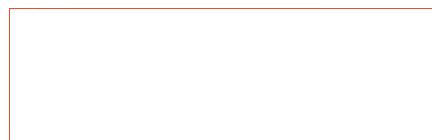
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## Naked girl found walking along I-5 near Ashland

The Columbian

Published: June 16, 2013, 5:00pm

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ASHLAND, Ore. — A girl who is believed to be autistic was found walking naked along the shoulder of Interstate 5 on Sunday north of Ashland.

Oregon State Police say she appeared to be in her late teens and couldn't communicate.

[The Mail Tribune reports](#) she was taken to a Medford hospital. The 911 center was able to contact her guardian.

She was not injured and there was no evidence of a crime.

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# **EXHIBIT 14: Article printout by family, Entitled: “Tempe police locate guardians of boy found naked, alone Tuesday morning” for**

attached to: “MOTION FOR JUDGMENT OF ACQUITTAL  
OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED  
UPON NEW EVIDENCE WHICH DISPROVES THE  
ELEMENTS OF CHARGED CRIME BY PROSECUTION,  
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Case no. CR19000009-00, Circuit Court, City of Martinsville,  
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# Tempe police locate guardians of boy found naked, alone Tuesday morning

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Good Samaritans and police helped reunite a child with his family, after the child somehow got out of the home and was wandering in the street.



By: [Sonu Wasu](#)

*Posted at 7:31 AM, Oct 27, 2020 and last updated 8:49 PM, Oct 27, 2020*

TEMPE, AZ — A five-year-old child who wandered out of his home while his family was asleep on Tuesday morning is safe and with his family thanks to good Samaritans and quick police work.

Motorists called police around 6 a.m. after noticing the child in the middle of the roadway with no clothes near Apache Road and Price Road. Others pulled out, got the child out of the road, and put some clothes on him.

Recent Stories from [abc15.com](#)





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## Free adoptions for shelter pets in need

"There's a little boy he's about 4-5 years old running around her," one man told a 911 dispatcher over the phone. That man was on his way to a doctor's appointment.

"He's outside running around, and he don't got any clothes on," the man told the dispatcher. "There's two cars that's talking to him right now. I tried to talk to him, but he just kept running around."

Records show the temperature was about 50 degrees at the time. The area is a busy commuter passage with the freeway nearby and the light rail down the street.

"Looks like he can't speak too well," the man added.

The child is autistic, a spokesperson with the Tempe Police Department told ABC15. Officers later learned that the child has a habit of taking his clothes off.

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Police issued a media alert Tuesday morning and posted informational fliers via their social media accounts after being unable to find the child's family. Within a couple of hours, someone recognized the child and reached out to his family, who reportedly lives in an apartment complex nearby.

"The child was only about 150 feet away from the residents," said Tempe police Detective Greg Bacon. He credited the media and the community for helping reunite the family.

Bacon said the child's mother was frantic when she learned her child was missing.

He said police do not plan on filing any charges against the family and said, more than anything, the family needed help and access to resources.

"Not everything is about punishment. Not everything is about writing tickets or arresting people, but what can we do as a police department to help this family," he said.

One of those resources is [CARE 7](#), the City of Tempe's crisis response agency.

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"We can provide so many resources to families that they just may not be aware of because they're caught up in the daily struggle of just surviving," said Kristen Scharlau, human services manager at CARE 7.

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# **EXHIBIT 15: ORDER IN MISDEMEANOR OR TRAFFIC INFRACTION PROCEEDING for**

attached to: “MOTION FOR JUDGMENT OF ACQUITTAL  
OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED  
UPON NEW EVIDENCE WHICH DISPROVES THE  
ELEMENTS OF CHARGED CRIME BY PROSECUTION,  
EVIDENCE WARRANTING NEW TRIAL OR  
ACQUITTAL”

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville,  
Virginia

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ORDER IN MISDEMEANOR OR  
TRAFFIC INFRACTION PROCEEDING

Case No. CR19000009-00

COMPLETE DATA BELOW IF KNOWN

MARTINSVILLE CIRCUIT COURT ..... Circuit Court  
MARTINSVILLE

RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
		MO.	DAY	YR.	FT.	IN.			
W	M	05	26	1990	6	00	150	BL	BR

SSN: [REDACTED] 0319

v.

BRIAN DAVID HILL

310 FOREST ST, APT 1

MARTINSVILLE, VA. 24112

SEPTEMBER 21, 2018

NOVEMBER 15, 2019

OFFENSE DATE

TRIAL DATE

The Defendant was this day ☐ tried in absence ☒ present

Attorney: CLARK, MATT

☒ Appointed ☐ Retained

Original Charge: INDECENT EXPOSURE

Code Section: 18.2-387

☐ State Code ☒ Local Ordinance

Virginia Crime Code: OBS-3713-O1

Offense Tracking Number: 690GM1800003560

## Plea:

☒ Not Guilty☐ Consent by Defendant to Waiver of Jury☐ Guilty as Charged☐ Concurrence of Court and Commonwealth's Attorney☐ Guilty to Amended Charge☐ Plea voluntarily and intelligently entered after defendant was apprised of his right against compulsory self-incrimination, right to confront the witnesses against him, and right to a jury trial.☐ Nolo Contendere

Charge: INDECENT EXPOSURE

Code Cite: 18.2-387

Virginia Crime Code: OBS-3713-O1

## Finding:

☐ Not Guilty☐ Guilty of☐ Guilty as Charged☐ Plea Agreement Accepted☒ Appeal/Withdraw/Affirm☐ Appeal not timely filed☐ Facts sufficient to find guilt but defer adjudication/disposition to

DATE AND TIME

Charge: INDECENT EXPOSURE

Code Cite: 18.2-387

Virginia Crime Code: OBS-3713-O1

## Order:

☐ Nolle Prosequi ☐ Dismissed ☐ Dismissed with Prejudice ☐ Continued to☒ COSTS imposed

DATE AND TIME

☐ FINE ☐ CIVIL PENALTY of \$

with \$

suspended

☒ JAIL SENTENCE of 30 DAYSimposed, ☐ of which ..... days mandatory minimum, with ..... suspended

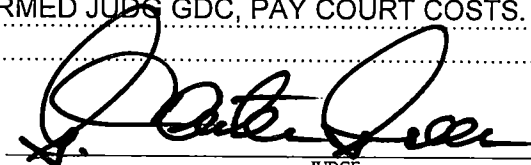
for a period of ....., conditioned upon being of good behavior, keeping the peace, obeying this order and for paying fines and costs.

Credit is allowed pursuant to § 53.1-187 for time spent in confinement.

☐ Serve jail sentence beginning ..... ☐ on weekends only☐ Work release ☐ authorized if eligible ☐ required☐ Public work force☐ authorized☐ not authorized☐ not authorized☐ on PROBATION for ..... ☐ VASAP ☐ local community-based probation agency☐ DRIVER'S LICENSE suspended for☐ Restricted Driver's License per attached order☐ Ignition Interlock for☐ Attached ORDER FOR RESTITUTION incorporated.☐ COMMUNITY SERVICE ..... hours to be completed by ..... and supervised by☐ to be credited against fines and costs☐ Contact prohibited between defendant and victim/victim's family or household members☐ Reimburse Commonwealth for investigatory medical fees☐ Pay \$50 fee to the Court for Trauma Center Fund☐ Registration pursuant to Code § 9.1-903 for offenses defined in § 9.1-902 is required.☐ Remanded for ☐ CCRE Report ☐☐ Bail on Appeal \$☒ Other: DEF CHANGED HIS PLEA TO GUILTY AND AFFIRMED JUDGE GDC, PAY COURT COSTS.

11/18/19

DATE



JUDGE

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# **EXHIBIT 16: MOTION TO WITHDRAW APPEAL for**

attached to: “MOTION FOR JUDGMENT OF ACQUITTAL  
OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED  
UPON NEW EVIDENCE WHICH DISPROVES THE  
ELEMENTS OF CHARGED CRIME BY PROSECUTION,  
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by Brian David Hill

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Number of pages: 11 Session duration: 8:53  
Attn.: Commonwealth Attorney To: Commonwealth Attorney  
Recipient's number: T1-276-403-5478 Message type: Fax  
Filename: C:\ProgramData\Venta\Fax & Voice 6\Out\Brian's motion to withdraw Error Correction: Yes  
File description: Brian's motion to withdraw appeal(4)Signed.pdf Resolution: 200\*200 dpi  
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MARTINSVILLE CIRCUIT COURT  
DATE: 11/12/2019 009:12:29

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VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF MARTINSVILLE

Commonwealth of Virginia,	)	
	)	
Plaintiff,	)	Criminal Action No. CR19000009-00
	)	
v.	)	
	)	
Brian David Hill,	)	Motion to Withdraw Appeal
	)	
Defendant,	)	

MOTION TO WITHDRAW APPEAL

COMES NOW criminal Defendant Brian David Hill ("Brian", "Hill") respectfully requests to withdraw the Appeal of the December 21, 2018, General District Court finding of guilty. However Brian does NOT waive his right to collaterally attack/challenge his conviction in General District Court and also does NOT waive his right to file a Writ of Actual Innocence.

The reason for withdrawing his appeal is because he is facing a fixed jury trial where the cards are stacked against him. It will not be a fair trial and his legal innocence will not matter as various private lawyers had explained to Brian when Brian's family asked for free consultation with multiple private lawyers, to see if any had opinions differing from the court appointed lawyers.

One lawyer told Brian that his federal conviction will be brought up if Brian testifies on the stand, when testifying is necessary to show a defense that Brian has Autism Spectrum Disorder which would explain why Brian smiles in photos, because his Autism affects his behaviors and can cause incorrect or abnormal behaviors such as smiling or giving the inappropriate facial expressions or gestures



11/11/2019 8:21:26 PM

From: Brian David Hill

Fax ID: 276-790-3505

Page 1/ 12

Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF MARTINSVILLE

<b>Commonwealth of Virginia,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Criminal Action No. CR19000009-00</b>
	)	
<b>v.</b>	)	
	)	
<b>Brian David Hill,</b>	)	<b>Motion to Withdraw Appeal</b>
	)	
<b>Defendant,</b>	)	

**MOTION TO WITHDRAW APPEAL**

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One lawyer told Brian that his federal conviction will be brought up if Brian testifies on the stand, when testifying is necessary to show a defense that Brian has Autism Spectrum Disorder which would explain why Brian smiles in photos, because his Autism affects his behaviors and can cause incorrect or abnormal behaviors such as smiling or giving the inappropriate facial expressions or gestures



during a situation of duress or in any other situation. Autism should not be legally treated as the same as normal behaviors because Autism behaviors differ from the normal set of expected human behaviors in a society. Such as after being threatened Brian didn't walk for miles to get to the Police Department but instead did exactly what the man in the hoodie had directed Brian to do or his mother will be killed, he presumed that if he didn't do what the man in the hoodie had said. Another lawyer said that his affidavits filed in federal court about his state case cannot be used. Another one said that Brian's allegation of fraud upon the court against the Commonwealth Attorney cannot be sustained because the evidence that may prove fraud by the Police Department cannot be used because of dual sovereignty where federal evidence concerning the same state charge of indecent exposure and is relevant to it cannot be brought up at the jury trial because of a claim of dual sovereignty, then hinting that Brian may face contempt of court for bringing the truthful allegations because of a technicality of dual sovereignty barring Brian from bringing up a map in the federal case showing where Brian allegedly took the pictures on September 21, 2018, which disproves Martinsville Police Department's fraudulent claim that Brian took photos all around the town, or all around the city when the evidence presented by the U.S. Attorney and witness Sergeant Robert Jones differs from his earlier claims to the psychologist which means fraudulent claims was told to both the psychologist of the mental evaluation at the General District Court level. Different lawyers gave slightly different opinions but all of them recommended that Brian withdraw his appeal because he would not win the jury trial even if he is legally innocent because the jurors would be biased and picked from the bible belt area and would automatically make their own personal determinations of Brian's guilt rather than the law's determination in the Appellate courts of record. They thought if Brian had faced a bench trial that he'd have a better chance at being found legally innocent of his



charge. Since there is no way possible for Brian to get a bench trial, the lawyers thinks Brian has a poor chance, which doesn't make any sense.

Brian was told he can't have this as evidence, he cannot have that as evidence. Brian doesn't seem to be getting anywhere and each lawyer just gives the same bad news, that because Brian was wrongfully convicted of possession of child pornography in a corrupt Federal Court in the Middle District of North Carolina that ignored evidence and wouldn't show Brian all of his discovery material before compelling him to falsely plead guilty, that his Writ of Habeas Corpus on the ground of actual innocence does not matter, and that his fraud upon the court allegations in his federal case that were unopposed also does not matter for his state case. All the jurors would hear is about Brian's "sex charge" when Brian testifies on the stand and he was told by one private lawyer that he cannot bring up to the jury that he is fighting his federal criminal conviction on the ground of actual innocence and fraud upon the court and both of them are not subject to statute of limitations, and that it can be used to discredit him as a witness because all felons are liars as one lawyer told Brian. It takes time for Brian to overturn his wrongful federal conviction but the state jury trial will not delay indefinitely for Brian to overturn his wrongful conviction in Federal Court so that then he can testify at the jury trial without facing that prejudice. Brian will not get a fair trial in state court until his federal conviction is overturned, or that President Donald John Trump grants Brian a pardon of innocence for his federal conviction. His federal conviction cannot establish any facts or relevance as to why Brian was naked (but not obscene) on September 21, 2018. However when the jurors hear the words "possession of child pornography", any Christian will instantly turn on Brian and want him dead or to suffer, and want his house burned down. Because of the stigmatization of his "federal sex charge" of "possession", his actual innocence



will not matter, even if Brian is later found actually innocent of his wrongful federal conviction, if they hear those words, their ears turn off, their brains turn off, and their eyes turn off and they will refuse to hear or see any evidence except that Brian will be guilty because they will all believe that he is guilty when they hear the words of his federal conviction if Brian were to testify on the stand. He doesn't stand a chance, even if he is legally innocent. His pro se motions do not work because they force all motions through his attorney who isn't fighting for him. Brian submitted interrogatories to the Commonwealth's Attorney to ask for answers but his own lawyer will not submit interrogatories asking the same questions that were asked in Federal Court by Attorney Renorda Pryor, which would allow answers under oath before the trial and would give Brian a good chance at trying for a motion to dismiss based on the fact that Brian wasn't being obscene and obscenity is required in order for Brian to be found guilty of V.A. Code § 18.2-387. "Indecent exposure." Brian is legally innocent but the Jury will not recognize it if they are mainly Christians from the Bible belt, which highly likely will be Christians from the Bible belt. It doesn't matter what motions his friend Eric Clark (a legal expert from Kansas) tells Brian to file because any pro se motions he files or any interrogatories that he faxes to the Commonwealth Attorney will also be ignored because they were done pro se. He has been deprived of effective counsel every step of the way in his case, he doesn't stand a chance at jury trial. His former lawyer Scott Albrecht had never asked for the police body-camera footage while it was retained by Martinsville Police Department last year (*Brian also filed a motion for discovery for that body-camera footage but that was also ignored because it was filed pro se*), and Matthew Clark tells Brian that his letters to the Police Department asking for the body camera footage to be turned over to his lawyer doesn't matter, even though the body-camera footage would also help to show evidence of duress to the jury and show his autistic behaviors which



would be evident. His court appointed lawyers and private lawyers told him and his family that none of that matters, his legal innocence doesn't matter, none of the evidence matters. It is all one sided, a one sided jury trial that Brian would be facing. The prosecutor can use his autistic behaviors against him to make him look guilty but he isn't allowed to have a medical expert to testify to Brian's autism in his defense because the only defenses that will be accepted is if Brian were criminally insane (ruled mentally insane) and is declared cocoo, and that he would not be allowed to bring up anything from his Autism in his defense. They all practically said that if it was a bench trial, he would have a better chance at being found legally innocent for not being obscene, but Brian has no chance at a jury because it will all be fixed from what all lawyers have told Brian. Brian could debate with them all day long about how they are wrong about this and how they are about that, but Brian can't chance the minds of lawyers that are fixed to a certain belief or a certain repetitious ways of doing things a certain way all of the time, and that nothing else matters from this narrow way of doing things. Brian could file a motion to proceed pro se and try to set a new precedent on the way the rules work and that lawyers could have done this for Brian and could have done that for Brian, but then his Autism will work against him and make it difficult for Brian to present a case on his own during the jury trial as Brian is not a lawyer and has no Bar license, he doesn't have memorized the trial rules and rules of the court which puts him at risk of not knowing what he is doing, and if he is at risk of having an autistic meltdown, that would be used against him and put him in a worse situation. It is all fixed and Brian has no chance under a fixed jury trial. Since Brian is legally innocent, he can always file a Writ of Actual Innocence at a later time or ask a higher court to overturn his state conviction in General District Court on the basis of legal innocence since there is no time limit on actual innocence claims according to the U.S. Supreme Court on rulings for Writ of



Habeas Corpus petitions that are time barred but not time barred for actual innocence.

For the foregoing explanations above, Brian does not stand a chance, and because of his Autism his ability to present the case on his own (pro se) without any legal trial experience is a very good chance of losing and that his legal innocence would not matter to Christian Bible belt jurors. It would not matter to Christian Bible belt jurors even though Adam and Eve were naked but not sexual, and Noah was naked in the tent and his sons tried to cover him up and Noah got angry but was not sexual, and another bible story where Peter was fishing naked but wasn't sexual. However regular Christians would portray Brian's non-sexual nudity and confusing autistic behavior as sexual from their own religious perspectives. They wouldn't know of Brian's carbon monoxide exposure, they wouldn't know of Brian having a documented medical history of Mild Autism and would only know that at sentencing like that would matter, and they wouldn't know of Brian proving his innocence of possession of child pornography and be forced to tell the jurors under oath what his federal conviction was for but then would not be allowed to explain to the jurors that he had filed a Writ of Habeas Corpus petition in November 2017 for his actual innocence and was also attacking his conviction for fraud upon the court committed by the federal prosecution in violation of N.C. State Bar Rule 3.8.

For the foregoing explanations above, Brian would stand a better chance at a bench trial for his legal innocence or would stand a good chance of getting his case dismissed on not being obscene but his pro se motions are ignored and his lawyer refuses or fails to even try filing a motion to dismiss based on Brian's legal innocence on the obscenity requirement under Virginia persuasive case laws. There is no way Brian can legally push for a bench trial because the Commonwealth



Attorney pushed for jury trial, knowing that Brian will not get a fair trial and that his federal conviction can be used against him and prejudice the jurors one way or another. Legal innocence does not matter in a jury trial when the jurors can be prejudiced by a wrongful federal conviction that was and is currently being challenged on actual innocence and frauds upon the court under case law of *Chambers v. Nasco, Inc.* and other case laws. Brian would have won had it been a bench trial. Because of that reason, Brian has no choice but to withdraw his appeal from the General District Court, and consider finding other means to challenge his state case by other legal means he could use. He may even have to consider filing a Writ of Habeas Corpus in federal court for his state conviction in General District Court. Brian is having to weigh his options to ensure that his legal innocence is recognized and won't be barred by discrimination and prejudice on its face.

Then another lawyer who said that Brian did have a chance at being found innocent of indecent exposure, turned his back on Brian and refused to take the case at all because he spoke with Lauren McGarry who made a big deal out of somebody else's investigative work and blog post that doesn't even have the information on that blog for months after Brian's family requested that it be removed from Laurie's blog post on [JusticeForUSWGO.wordpress.com](https://JusticeForUSWGO.wordpress.com). So that one lawyer refused to take the case because Lauren McGarry complained to him (this private lawyer) about somebody else's blog post from June or July of 2019. So Brian cannot even get a good lawyer to fight for him. Brian is screwed over, every way ever since the jury trial was started by the Commonwealth Attorney. Brian has had to beg for a pardon in his federal case for his actual innocence but Trump is being attacked so much by lies and deceit, Donald John Trump doesn't even have the time to consider pardoning Brian David Hill of his wrongful federal conviction on the basis of recognizing his actual innocence. Brian isn't going to



find a good lawyer that his family can pay for cheaply just so Brian can be found legally innocent and defeat his Supervised Release Violation in federal court over his legal innocence in this state case. One turned his back on Brian because of what one lawyer or two lawyers from the Martinsville Public Defender office had told him. Brian is screwed over in many ways and will never get a fair trial in this state case, EVER. Brian is having to consider asking for a non-local Virginia attorney away from the Bible belt and away from the Public Defender office, but then the cost will be unaffordable for a third party aka Brian's family to even pay to aid in Brian's winning this state case.

Brian's only chance to preserve his legal innocence is to withdraw his appeal in the Circuit Court, and just find another way to get a fair bench hearing to be found legally innocent of his state charge.

Brian has given a good series of explanations in this motion as to why he is withdrawing his appeal. He has other routes to prove his legal innocence and overturn his conviction in the General District Court. Brian doesn't to have to deal with any drama coming from the Martinsville Public Defender office over what one of Brian's friends had posted at [JusticeForUSWGO.wordpress.com](http://JusticeForUSWGO.wordpress.com) back in June or July 2019, but then removed those from the blog posting out of concerns from Brian's family that it would put a target on all of our backs. At this point, there is just no way any fair trial can happen in the City of Martinsville. Brian is requesting appeal be withdrawn and accepts the conviction in the General District Court, and will find other legal ways to overturn his wrongful conviction on December 21, 2018, in the Martinsville General District Court.

Also an argument suggested by Brian's family:

According to our US Constitution, Sixth Amendment - Rights of Accused in Criminal Prosecutions a defendant has a right to a speedy and public trial,





Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

by an **impartial jury of the State and district wherein the crime shall have been committed**, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; **to have compulsory process for obtaining witnesses in his favor**, and to have the Assistance of Counsel for his defense.

It is now 21 or 22 days until Brian's jury trial. His attorney has not asked Brian who he would want to have as witnesses to represent him, has not tried to get a professional witness who understands and can explain to the jury how his autism caused him to leave the house and caused other things that night, and it is getting too close to time to prepare or arrange for these witnesses to appear. All cards are stacked against Brian and work for the prosecution which would explain why he wanted a jury trial, and Brian's court appointed attorney wanted a bench trial.

Brian and his family have contacted several local attorneys and found out from all that we live in a Bible belt so most jurors in this area will be offended by these photos. Taking photos of oneself in the nude is not against the law. These were taken in the dark when no one else was around, and the camera was in Brian's backpack at the time of arrest. Now these personal photos will be shown to many people without explaining that Brian has autism which is brain damage and similar to dementia and was under the influence of undetected carbon monoxide gas in his home for almost a year which caused Brian's health to worsen and caused a lot of physical damage to the ceiling above & walls around his fireplace from the gas hot water heater and gas boiler/furnace. The vent was blocked in the chimney. If Brian testifies, the prosecution then can bring up about a former charge, but Brian can't bring up that this charge is based on fraud upon the court and is being contested in court. With Brian's autism, he will most likely have a melt-down. This court appointed attorney wants Brian to testify and did not tell us what other attorneys have told us about this. This attorney has not discussed if he has obtained permission for Brian to have autism and type I insulin brittle diabetes supports in the court which is a federal law according to the Americans with Disabilities Act as well as instructions on how to question someone with autism in the court. He has not told Brian or his family what type of measure will be taken when they



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

question someone with autism. Brian has now accepted the fact that he will lose and so it is time to withdraw his appeal.

Hill respectfully files this Motion with this honorable Court, this the 11th day of November, 2019.

Respectfully submitted,

*Brian D. Hill*

*Signed*

Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 1

Martinsville, Virginia 24112

Phone #: (276) 790-3505

**U.S.W.G.O.**

Former U.S.W.G.O. Alternative News reporter

I stand with QANON/Donald-Trump – Drain the Swamp

I ask Qanon and Donald John Trump for Assistance (S.O.S.)

Make America Great Again

JusticeForUSWGO.wordpress.com

Amazon: The Frame Up of Journalist Brian D. Hill

This pleading had been transmitted by facsimile to the Office of the Hon. Ashby Pritchett, Clerk's office at the Martinsville Circuit Court on November 11, 2019, at the address of 55 West Church Street, Martinsville, Virginia 24112 and at Fax: (276) 403-5232. It has also been transmitted by facsimile to the General District Court at the Fax: Fax: (276) 403-5114 since granting of this motion to withdraw appeal sends the case record back to the General District Court.

### CERTIFICATE OF SERVICE

I hereby certify that on this the 11th day of November, 2019, a true copy of the foregoing Motion/Pleading was transmitted by facsimile to the office of the Commonwealth Attorney of Martinsville, at 55 West Church Street, Martinsville,



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

Virginia 24112, counsel for Plaintiff of the Commonwealth of Virginia, Fax: 276-403-5478. Transmission ticket attached.

*Brian D. Hill*  
*Signed*

Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 1

Martinsville, Virginia 24112

Phone #: (276) 790-3505

**U.S.W.G.O.**

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**EXHIBIT 17: TABLE OF CONTENTS  
of COURT RECORDS OF CIRCUIT  
COURT filed by Clerk, Hon. Ashby R.  
Pritchett, dated 05-26-2022 07:00:33 EDT  
for**

attached to: "MOTION FOR JUDGMENT OF ACQUITTAL  
OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED  
UPON NEW EVIDENCE WHICH DISPROVES THE  
ELEMENTS OF CHARGED CRIME BY PROSECUTION,  
EVIDENCE WARRANTING NEW TRIAL OR  
ACQUITTAL"  
by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville,  
Virginia

Ally of Q, Former news reporter of USWGO Alternative News  
JUSTICEFORUSWGO.WORDPRESS.COM



## ADDENDUM

MARTINSVILLE CIRCUIT  
Commonwealth of VA

vs.

Case No.:CR19000009-00  
HILL, BRIAN DAVID

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I, Ashby R. Pritchett, Clerk of the Martinsville Circuit, certify that the contents of the record listed in the table of contents constitute the true and complete record, except for exhibits whose omission are noted in the table of contents, and are hereby transmitted to the Court of Appeals on May 25, 2022.



**EXHIBIT 18: Medical records from  
Sovah Health Martinsville (local  
hospital), dated Friday, September 21,  
2018  
for**

attached to: "MOTION FOR JUDGMENT OF ACQUITTAL  
OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED  
UPON NEW EVIDENCE WHICH DISPROVES THE  
ELEMENTS OF CHARGED CRIME BY PROSECUTION,  
EVIDENCE WARRANTING NEW TRIAL OR  
ACQUITTAL"  
by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville,  
Virginia

Ally of Q, Former news reporter of USWGO Alternative News  
JUSTICEFORUSWGO.WORDPRESS.COM



Brian Hill  
MRN: MM00370912  
ACCT: MM7806761243

## Sovah Health Martinsville

320 Hospital Drive  
Martinsville, VA 24112  
276-666-7237

7806761243

**Emergency Department  
Instructions for:**

**Hill, Brian D**

**Arrival Date:**

**Friday, September 21, 2018**

Thank you for choosing **Sovah Health Martinsville** for your care today. The examination and treatment you have received in the Emergency Department today have been rendered on an emergency basis only and are not intended to be a substitute for an effort to provide complete medical care. You should contact your follow-up physician as it is important that you let him or her check you and report any new or remaining problems since it is impossible to recognize and treat all elements of an injury or illness in a single emergency care center visit.

**Care provided by:** Hinchman, Brant, DO

**Diagnosis:** Abrasion, right knee; Abrasion of unspecified front wall of thorax

DISCHARGE INSTRUCTIONS	FORMS
VIS, Tetanus, Diphtheria (Td) - CDC Abrasion, Easy-to-Read Knee Pain, Easy-to-Read	Medication Reconciliation
FOLLOW UP INSTRUCTIONS	PRESCRIPTIONS
<b>Private Physician</b> When: Tomorrow; Reason: Further diagnostic work-up, Recheck today's complaints, Continuance of care <b>Emergency Department</b> When: As needed; Reason: Fever > 102 F, Trouble breathing, Worsening of condition	None
SPECIAL NOTES	
None	

**National Hopeline Network: 1-800-784-2433**

If you received a narcotic or sedative medication during your Emergency Department stay you should not drive, drink alcohol or operate heavy machinery for the next 8 hours as this medication can cause drowsiness, dizziness, and decrease your response time to events.

I hereby acknowledge that I have received a copy of my transition care record and understand the above instructions and prescriptions.

*Brian D. Hill*

Brian Hill

*Jenica Tate, RN, BSN*

ED Physician or Nurse  
09/21/2018 04:52

## EMERGENCY DEPARTMENT RECORD

Physician Documentation

Sovah Health Martinsville

Name: Brian Hill

Age: 28 yrs

Sex: Male

DOB: 05/26/1990

MRN: MM00370912

Arrival Date: 09/21/2018

Time: 04:04

Account#: MM7806761243

Bed ER 9

Private MD:

ED Physician Hinchman, Brant

HPI:

09/21

04:40 This 28 yrs old White Male presents to ER via Law Enforcement with complaints of Knee Pain. bdh

09/21

04:48 28-year-old male with diabetes and autism presents for evaluation after complaining of right knee pain and scrapes and abrasions. bdh  
 Patient was apparently taking pictures of himself in the nude across town this evening and when police attempted apprehend him brain through Briar patch. Patient does report scratches and abrasions to the right knee but no pain on range of motion. Unknown last tetanus..

## Historical:

- Allergies: Ranitidine;

- PMHx: autism; Diabetes - IDDM; OCD;

- Exposure Risk/Travel Screening:: Patient has not been out of the country in last 30 days. Have you been in contact with anyone who is ill that has traveled outside of the country in the last 30 days? No.

- Social history:: Tobacco Status: The patient states he/she has never used tobacco. The patient/guardian denies using alcohol, street drugs, The patient's primary language is English. The patient's preferred language is English.

- Family history:: No immediate family members are acutely ill.

- Sepsis Screening:: Sepsis screening negative at this time.

- Suicide Risk Screen:: Have you been feeling depressed in the last couple of weeks? No Have you been feeling hopeless to the extent that you would want to end your life? No Have you attempted suicide or had a plan to attempt within the last 12 months? No.

- Abuse Screen:: Patient verbally denies physical, verbal and emotional abuse/neglect.

- Tuberculosis screening:: No symptoms or risk factors identified.

- The history from nurses notes was reviewed: and my personal history differs from that reported to nursing.

## ROS:

09/21

04:49 All other systems are negative, except as documented below. bdh

Constitutional: Negative for chills, fever. Respiratory: Negative for

Brian Hill  
MRN: MM00370912  
ACCT: MM7806761243

### **FOLLOW UP INSTRUCTIONS**

---

**Private Physician**

When: Tomorrow

Reason: Further diagnostic work-up, Recheck today's complaints, Continuance of care

**Emergency Department**

When: As needed

Reason: Fever > 102 F, Trouble breathing, Worsening of condition

7 806761243



Brian Hill  
MRN: MM00370912  
ACCT: MM7806761243

**MRN # MM00370912**

**X-RAYS and LAB TESTS:**

If you had x-rays today they were read by the emergency physician. Your x-rays will also be read by a radiologist within 24 hours. If you had a culture done it will take 24 to 72 hours to get the results. If there is a change in the x-ray diagnosis or a positive culture, we will contact you. Please verify your current phone number prior to discharge at the check out desk.

**MEDICATIONS:**

If you received a prescription for medication(s) today, it is important that when you fill this you let the pharmacist know all the other medications that you are on and any allergies you might have. It is also important that you notify your follow-up physician of all your medications including the prescriptions you may receive today.

**TESTS AND PROCEDURES**

---

**Labs**

None

**Rad**

None

**Procedures**

None

**Other**

Call ERT, IV saline lock

**Chart Copy**

7806761234

cough, dyspnea on exertion, shortness of breath. MS/extremity: Positive for pain, Negative for decreased range of motion, paresthesias, swelling, tenderness, tingling. Skin: Positive for abrasion(s), Negative for rash, swelling.

Exam:

09/21

04:49 Constitutional: This is a well developed, well nourished patient who bdh is awake, alert, and in no acute distress. Head/Face: Normocephalic, atraumatic. Eyes: Pupils equal round and reactive to light, extra-ocular motions intact. Lids and lashes normal. Conjunctiva and sclera are non-icteric and not injected. Cornea within normal limits. Periorbital areas with no swelling, redness, or edema. ENT: Oropharynx with no redness, swelling, or masses, exudates, or evidence of obstruction, uvula midline. Mucous membranes moist. No meningismus. Neck: Supple, full range of motion without nuchal rigidity, or vertebral point tenderness. No Meningismus. No JVD Cardiovascular: Regular rate and rhythm with a normal S1 and S2. No gallops, murmurs, or rubs. No JVD. No pulse deficits. Respiratory: Lungs have equal breath sounds bilaterally, clear to auscultation and percussion. No rales, rhonchi or wheezes noted. No increased work of breathing, no retractions or nasal flaring. Abdomen/GI: Soft, non-tender, with normal bowel sounds. No distension or tympany. No guarding or rebound. No pulsatile mass. Back: No spinal tenderness. No costovertebral tenderness. Full range of motion. Skin: Multiple superficial abrasions to the groin and abdomen without fluctuance or tenderness. MS/ Extremity: Pulses equal, no cyanosis. Neurovascular intact. Full, normal range of motion. No peripheral edema, tenderness. Abrasion to right knee but nontender, no deformity or swelling. Ambulating without difficulty. Neuro: Awake and alert, GCS 15, oriented to person, place, time, and situation. Cranial nerves II-XII grossly intact. Psych: Awake, alert, with orientation to person, place and time. Behavior, mood, and affect are within normal limits.

Vital Signs:

09/21

04:09 BP 124 / 86; Pulse 119; Resp 19; Temp 98; Pulse Ox 98% ; Weight 99.79 jt kg; Height 6 ft. 0 in. (182.88 cm); Pain 0/10;

09/21

05:01 BP 119 / 80; Pulse 106; Resp 16; Temp 98.2; Pulse Ox 99% ; Pain 0/10; jt 09/21

04:09 Body Mass Index 29.84 (99.79 kg, 182.88 cm) jt

MDM:

09/21

04:04 MSE Initiated by Provider. bdh

09/21

04:50 Differential diagnosis: fracture, sprain, penetrating trauma, et al. bdh

ED course: Cleared from a psychiatric standpoint by Behavioral

Health. Patient will be discharged to jail. No new complaints.. Data

reviewed: vital signs, nurses notes. Counseling: I had a detailed

discussion with the patient and/or guardian regarding: the historical points, exam findings, and any diagnostic results supporting the

discharge/admit diagnosis, the need for outpatient follow up, to return to the emergency department if symptoms worsen or persist or if there are any questions or concerns that arise at home.

09/21  
04:16 Order name: Call ERT; Complete Time: 04:25 bdh  
09/21  
04:16 Order name: IV saline lock; Complete Time: 04:36 bdh  
09/21  
04:29 Order name: Other: NO suicidal homicidal risk; Complete Time: 05:03 bdh

Dispensed Medications:

Discontinued: NS 0.9% 1000 ml IV at 999 mL/hr once

09/21  
04:36 Drug: Tetanus-Diphtheria Toxoid Adult 0.5 ml {Manufacturer: Grifols 1b1  
Therapeutics. Exp: 09/27/2020. Lot #: A112A. } Route: IM; Site: right  
deltoid;  
09/21  
05:04 Follow up: Response: No adverse reaction 1b1  
09/21  
04:36 Drug: NS 0.9% 1000 ml Route: IV; Rate: 999 mL/hr; Site: right arm; 1b1  
Delivery: Primary tubing;  
09/21  
05:11 Follow up: IV Status: Completed infusion dr

Disposition:

09/21  
04:52 Electronically signed by Hinchman, Brant, DO at 04:52 on 09/21/2018. bdh  
Chart complete.

Disposition:

09/21/18 04:52 Discharged to Jail/Police. Impression: Abrasion, right knee,  
Abrasion of unspecified front wall of thorax.

- Condition is Stable.  
- Discharge Instructions: VIS, Tetanus, Diphtheria (Td) - CDC,  
Abrasion, Easy-to-Read, Knee Pain, Easy-to-Read.

- Medication Reconciliation form.  
- Follow up: Private Physician; When: Tomorrow; Reason: Further  
diagnostic work-up, Recheck today's complaints, Continuance of  
care. Follow up: Emergency Department; When: As needed; Reason:  
Fever > 102 F, Trouble breathing, Worsening of condition.  
- Problem is new.  
- Symptoms have improved.

Order Results:

There are currently no results for this order.

Signatures:

Dispatcher MedHost		EDMS
Tate, Jessica, RN	RN	jt
Hinchman, Brant, DO	DO	bdh

Ramey, Nicole		nmr
Bouldin, Lauren, RN	RN	lbl
Reynolds, Daniel R	RN	dr

Corrections: (The following items were deleted from the chart)

09/21  
04:48 09/21 04:16 COMPREHENSIVE METABOLIC PANEL+LAB ordered. EDMS EDMS  
09/21  
04:48 09/21 04:16 COMPLETE BLD COUNT W/AUTO DIFF+LAB ordered. EDMS EDMS  
09/21  
04:49 09/21 04:16 CPK, TOTAL+LAB ordered. EDMS EDMS  
09/21  
04:50 09/21 04:16 ALCOHOL, ETHYL+LAB ordered. EDMS EDMS  
09/21  
04:50 09/21 04:16 STAT OVERDOSE PANEL+LAB ordered. EDMS EDMS  
09/21  
04:52 09/21 04:52 09/21/2018 04:52 Discharged to Jail/Police. Impression: bdh  
Abrasion, right knee; Abrasion of unspecified front wall of thorax.  
Condition is Stable. Discharge Instructions: Medication  
Reconciliation. Follow up: Private Physician; When: Tomorrow; Reason:  
Further diagnostic work-up, Recheck today's complaints, Continuance  
of care. Follow up: Emergency Department; When: As needed; Reason:  
Fever > 102 F, Trouble breathing, Worsening of condition. Problem is  
new. Symptoms have improved. bdh  
09/21  
04:54 09/21 04:16 URINALYSIS W/REFLEX TO CULTURE+LAB ordered. EDMS EDMS

\*\*\*\*\*



# **EXHIBIT 19: Mental health medical records from Piedmont Community Services, concerning Dr. Conrad Daum patient visit on October 24, 2018 for**

attached to: "MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED UPON NEW EVIDENCE WHICH DISPROVES THE ELEMENTS OF CHARGED CRIME BY PROSECUTION, EVIDENCE WARRANTING NEW TRIAL OR ACQUITTAL"  
by Brian David Hill


Case no. CR19000009-00, Circuit Court, City of Martinsville, Virginia

Ally of Q, Former news reporter of USWGO Alternative News  
JUSTICEFORUSWGO.WORDPRESS.COM



BRIAN HILL (174826) [DOB: 5/26/1990]

DIAGNOSIS			
Axis/Order	Axis 3/1	Diagnosis	(F42.9) Obsessive-compulsive disorder, unspecified
Axis/Order	Axis 3/2	Diagnosis	(F84.0) Autistic disorder
Axis/Order	Axis 3/3	Diagnosis	(F29) Unspecified psychosis not due to a substance or known physiological condition
Axis/Order	Axis 3/4	Diagnosis	(F41.1) Generalized anxiety disorder
WHODAS 2.0 General Disability			
	Assessment Date	General Raw Score	General Average Score
	Score description	Raw Score	Average Score
	Cognition		
	Mobility		
	Self-care		
	Getting along		
	Life activities		
	Participation		

 <b>Piedmont Community Services</b> 13 MOSS ST SOUTH MARTINSVILLE, VA 24112	
Client Name: <b>BRIAN HILL</b>	SSN/Acct # <b>0319 / 174826</b>
Address: <b>310 FOREST ST APT 2 MARTINSVILLE VA 24112-4939</b>	Date/Time: <b>10/24/2018 9:51 AM to 10:23 AM</b>
Insurance:	Employee Name: <b>CONRAD DAUM / MD</b>
Diagnosis:	Visit Type/CPT <b>Med Note [Jail] / Nonbill</b>
DOB <b>5/26/1990</b>	
Notes: <b>Non-Face-to-Face Service</b>	
<b>HISTORY</b> <p><b>Chief Complaint: Notes:</b>          "guy in hodie threatened to kill my mother if I didn't do what he said" "meltdown" He was arrested for walking down the street naked and charged with a probation violation.</p> <p><b>History of Present Illness (HPI): Notes:</b>          local is mental, quality he agreed to zyprexa and zoloft. severity moderate, duration 1st admit 2013 ONLY, time of tx start here 2013, context jail inmate. associated he was convicted for child porn and is on sex registry. He believes he was convicted unfairly by a conspiracy of the court officials. He believes Critical documents proving his innocence were deliberately destroyed. Modify is tx accepted, ill's see med hx.</p> <p><b>Past Medical / Family Medical / Social Hx:</b>          LEGAL HX: He would only discuss the child pron and probation violation convictions.</p> <p>PSYCH HX: He tried suicide, but no family hx, he denied wanting to harm self or others the past month. He denied any SUD or tobacco, Hx autism, OCD, GAD</p> <p>MEDICAL HX: Diabetes, IBS, Eczema, op only wisdom teeth, no fx hx, hypoglycemic seizures, hx concussions during seizures.</p> <p>FAMILY HX: 0 kids, 1/2 sisters=2, 0 brothers, mom living, dad hx unknown no hx of inpatient , SUD, jail. Hx Hypertension, ulcerative colitis,</p> <p>SOCIAL HX: born Orlando FL, raised NC, some HS, single, no church, on disability, lives alone with caretaker's help.</p>	
<b>Review of Symptons (ROS)</b> <p><b>Constitutional: Notes:</b>          sleeping ok</p> <p><b>Eyes: Notes:</b>          see ok</p> <p><b>Ears, Nose, Mouth, Throat: Notes:</b>          hear ok</p> <p><b>Cardiovascular: Notes:</b>          no chest pain</p>	

**Respiratory: Notes:**

breathing ok

**Musculoskeletal: Notes:**

no LBP

**Integumentary (skin and/or breast): Notes:**

no tattoos

**Neurological: Notes:**

seizure hx and diabetic foot neuropathy

**Endocrine: Notes:**

diabetes

**Hematologic/Lymphatic: Notes:**

no nodes

**Allergic/Immunologic: Notes:**

allergy see list

**Genitourinary: Notes:**

bladder frequency

**Gastrointestinal: Notes:**

GERD SX, episodic diarrhea

**EXAM**

**Constitutional Vital Signs:**

**Musculoskeletal**

**Muscle strength and tone: Notes**

ok

**Gait and station: Notes**

ok



**Behavior**

**Appearance:** Well-groomed

**Activity:** Normal

**Attitude:** Cooperative

**Articulation (Speech):** Normal Rate, Rhythm, Volume

**Sensorium**

**Consciousness:** Alert

**Orientation:** Full

**Memory:** Intact

**Attention/Concentration:** Adequate

**Emotion**

**Affect:** Comfortable and Reactive

**Mood:** Euthymic

**Congruency:** Congruent

**Suicidal Ideation:** None

**Homicidal Ideation:** None

**Thought**

**Thought Process:** Goal-directed

**Thought Content:** Delusional

**Intelligence:** Average

(based upon fund of knowledge, comprehension, and vocabulary)

**Insight:** Full

**Judgement:** Intact

**Perception:** Normal

**Impression**

**Brief summary of present status of case:** Notes

aims=0

**DIAGNOSES**

**Current Diagnoses:**

**Effective Date :** 10/24/2018

1 (F42.9) Obsessive-compulsive disorder, unspecified

**Diagnosed By :** **Diagnosed Date :**

**Onset Date :** **Previous Onset Date :**

**Onset Prior to Admission:**

**R/O:** No

**Notes:**

**Date Updated:** 03/21/2017

**SNOMED:** -

2 (F84.0) Autistic disorder

**Diagnosed By :** **Diagnosed Date :**

**Onset Date :** **Previous Onset Date :**

**Onset Prior to Admission:**

**R/O:** No

**Notes:**

**Date Updated:** 03/02/2016

**SNOMED:** -

3 (F29) Unspecified psychosis not due to a substance or known physiological condition

**Diagnosed By :** **Diagnosed Date :**

**Onset Date :** **Previous Onset Date :**

**Onset Prior to Admission:**

**R/O:** No

**Notes:**

Date Updated: 10/24/2018

SNOMED: -

4 (F41.1) Generalized anxiety disorder

Diagnosed By : Diagnosed Date :

Onset Date : Previous Onset Date :

Onset Prior to Admission:

R/O: No

Notes: BRITTLE DIABETES

Date Updated: 10/24/2018

SNOMED: -

WHODAS 2.0 General Disability Assessment Date:

Raw Score: Avg Score:

Cognition:

Mobility:

Self-care:

Getting along:

Life activities:

Participation:

Psych Diagnoses & Status

Diagnosis: all

Status: Stable

Medical Diagnoses & Status

## COLUMBIA ASSESSMENT

### 1) Wished to be Dead:

Have you wished you were dead or wished you could go to sleep and not wake up?: No

### 2) Suicidal Thoughts:

Have you actually had any thoughts of killing yourself?: No

### 6) Suicidal Behavior Question:

Have you ever done anything, started to do anything, or prepared to do anything to end your life?: Yes

Was this within the past three months? (please explain): No

## SUMMARY

Service Modality: Non-Face-to-Face Service

Current Medications:

Medication:insulin aspart U-100 100 unit/mL subcutaneous solution

Start Date:10/24/2018

Dosage:

Frequency:

Medication:olanzapine 2.5 mg tablet

Start Date:10/24/2018

Sig:Take 1 Caplet By Oral Route 1 time at bedtime for mood swings

Medication:sertraline 50 mg tablet

Start Date:10/24/2018

Sig:Take 1 Caplet By Oral Route 1 time after breakfast for anxiety

Plan

Medication Changes: .

Next Appointment: Date

prn

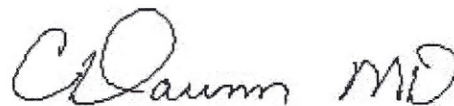
E/M Level: 5

E/M Score: 5

Employee Signature



10/24/18 2:51 PM  
CONRAD DAUM - MD  
MD



Supervisor's Signature

Approved by CDAUM on 10/24/18  
CONRAD DAUM, MD, MD

**EXHIBIT 20: Scanned Photocopies of returned attempted mailings from Martinsville city Jail due to mental confusion caused by carbon monoxide gas exposure - Case 1:13-cr-00435-TDS Document 181-9 Filed 07/22/19 – Note: There is no L. Richardson Preyer Federal Building in Martinsville city for**

attached to: “MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED UPON NEW EVIDENCE WHICH DISPROVES THE ELEMENTS OF CHARGED CRIME BY PROSECUTION, EVIDENCE WARRANTING NEW TRIAL OR ACQUITTAL”  
by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville,  
Virginia

Ally of Q, Former news reporter of USWGO Alternative News  
[JUSTICEFORUSWGO.WORDPRESS.COM](http://JUSTICEFORUSWGO.WORDPRESS.COM)





Brian David Hill  
Martinsville City Jail  
P.O. Box 1326  
Martinsville, VA 24112

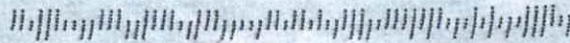
GREENSBORO NC 274  
PIEDMONT TRIAD AREA  
01 OCT 2018 PM 5 L



Clerk of the Court

RETURN TO SENDER  
UNABLE TO FORWARD  
UNABLE TO FORWARD  
RETURN TO SENDER

REDIRECT TO FEDERAL DISTRICT  
LEGAL MAIL CT



Brian David Hill  
Martinsville City Jail  
P.O. Box 1326  
Martinsville, VA 24112

GREENSBORO NC 274  
PIEDMONT TRIAD AREA  
09 OCT 2018 PM 5 L



ATTN: Mayor  
City of Martinsville  
300 Clearview Drive  
Martinsville, VA 24112

RETURN TO SENDER

24112-170400

LEGAL MAIL

Brian David Hill  
Martinsville City Jail  
P.O. Box 1326  
Martinsville, VA 24114

GREENSBORO NC 274  
PIEDMONT TRIAD AREA  
09 OCT 2018 PM 2 L



ATTN: U.S. Marshals Service  
L. Richardson Preyer Federal Building  
324 W. Market Street

Correct  
address  
Resent

Oct. 27, 2018

Brian D. Hill  
Received

NIXIE 274 4C 1 0210/22/18

RETURN TO SENDER  
NO SUCH NUMBER  
UNABLE TO FORWARD

BC: 24114132626 \*0280-00202-10-03



Brian David Hill  
Martinsville City Jail  
P.O. Box 1326  
Martinsville, VA 24112

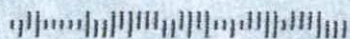
GREENSBORO NC 274  
PIEDMONT TRIAD AREA  
09 OCT 2018 PM 5:1



ATTN: Mayor  
City of Martinsville  
300 Clearview Drive  
Martinsville, VA 24112

RETURN TO SENDER

24112-170400



LEGAL MAIL

Brian David Hill  
Martinsville City Jail  
P.O. Box 1326  
Martinsville, VA 24114

GREENSBORO NC 274  
PIEDMONT TRIAD AREA  
09 OCT 2018 PM 2:1



8 ATTN: U.S. Marshals Service  
L. Richardson Preyer Federal Building  
374 W. Market Street

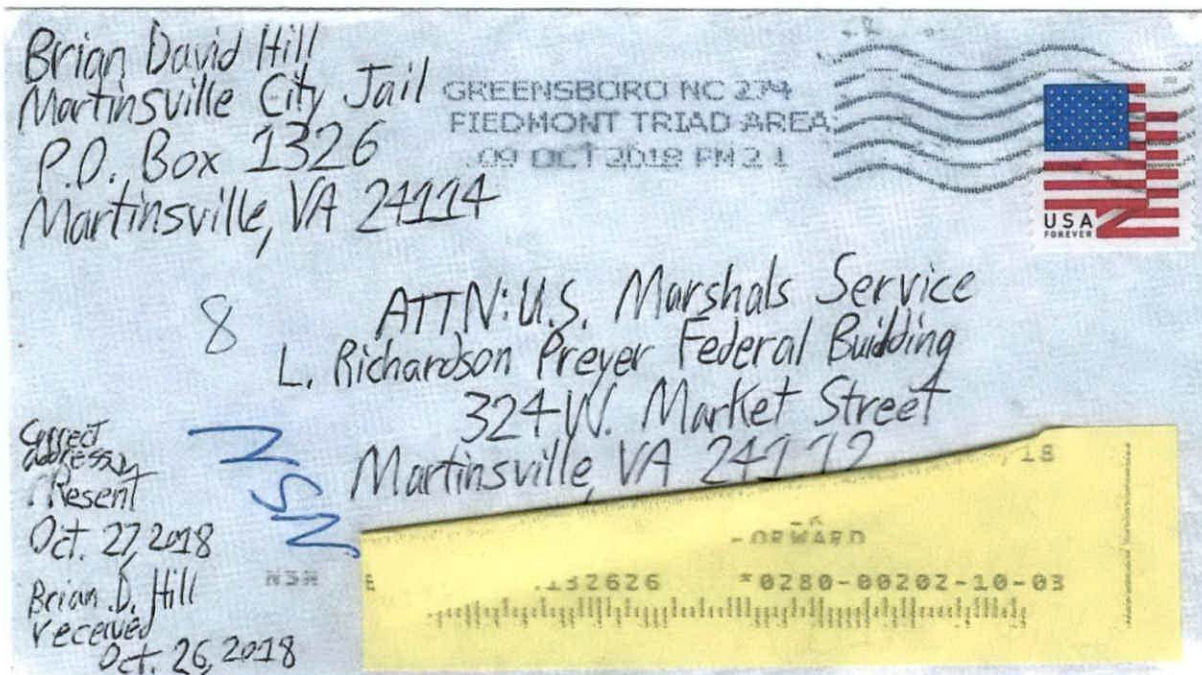
Correct  
Address  
Resent  
Oct. 27, 2018

Brian D. Hill  
Received  
Oct. 26, 2018

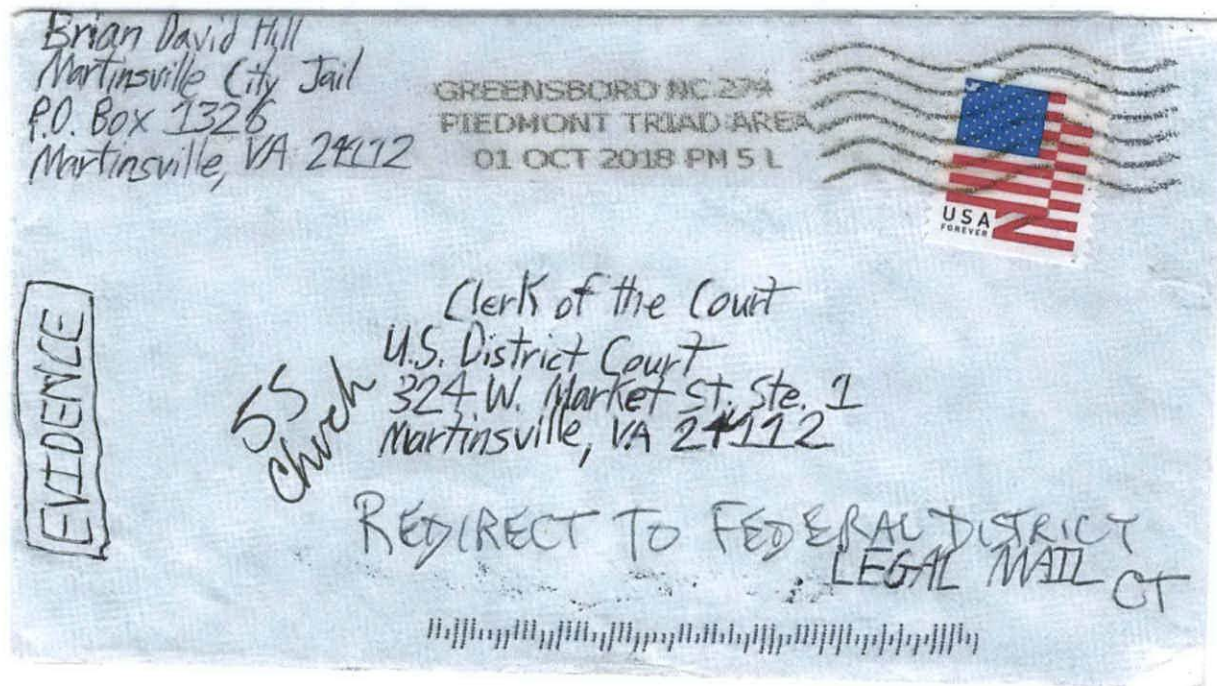
NIXIE 274 4C 1 0210/22/18

RETURN TO SENDER  
NO SUCH NUMBER  
UNABLE TO FORWARD

BC: 24114132626 \*0280-00202-10-03







**EXHIBIT 21: USA v. Brian David Hill -  
1:13-CR-00435-1, September 12, 2019,  
SUPERVISED RELEASE  
REVOCAATION HEARING. Transcript  
completed on Nov. 4, 2019  
for**

attached to: "MOTION FOR JUDGMENT OF ACQUITTAL  
OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED  
UPON NEW EVIDENCE WHICH DISPROVES THE  
ELEMENTS OF CHARGED CRIME BY PROSECUTION,  
EVIDENCE WARRANTING NEW TRIAL OR  
ACQUITTAL"

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville,  
Virginia

Ally of Q, Former news reporter of USWGO Alternative News  
JUSTICEFORUSWGO.WORDPRESS.COM



UNITED STATES OF AMERICA ) CASE NO. 1:13CR435-1  
 )  
 )  
 vs. )  
 ) Winston-Salem, North Carolina  
 ) September 12, 2019  
 BRIAN DAVID HILL ) 3:37 p.m.  
 \_\_\_\_\_ )

TRANSCRIPT OF THE **SUPERVISED RELEASE REVOCATION HEARING**  
BEFORE THE HONORABLE THOMAS D. SCHROEDER  
UNITED STATES DISTRICT JUDGE

For the Government: ANAND RAMASWAMY, AUSA  
Office of the U.S. Attorney  
101 S. Edgeworth Street, 4th Floor  
Greensboro, North Carolina 27401

For the Defendant: RENORDA E. PRYOR, ESQ  
Herring Law Center  
1821 Hillandale Road, Suite 1B-220  
Durham, North Carolina

Court Reporter: BRIANA L. BELL, RPR  
Official Court Reporter  
P.O. Box 20991  
Winston-Salem, North Carolina 27120

Proceedings recorded by mechanical stenotype reporter.  
Transcript produced by computer-aided transcription.G1

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7 **DEFENDANT'S WITNESSES:****PAGE:**

8 JASON MCMURRAY

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11 ROBERTA HILL

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## 15 EXHIBITS

16	<u>Exhibits:</u>	<u>Identified</u>	<u>Received</u>
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21	G-7 Roadmap of locations of where photographs were taken	25	29
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1 P R O C E E D I N G S

2 (The Defendant was present.)

3 **THE COURT:** All right. Mr. Ramaswamy, good  
4 afternoon, sir.

5 **MR. RAMASWAMY:** Good afternoon, Your Honor. The  
6 Government calls for hearing on a supervised release violation  
7 United States versus Brian David Hill in 1:13CR435-1,  
8 represented by Ms. Pryor.

9 **MS. PRYOR:** Good afternoon, Your Honor.

10 **THE COURT:** Good afternoon, Ms. Pryor. How are you?

11 **MS. PRYOR:** I'm wonderful, Your Honor. Thank you.

12 **THE COURT:** Mr. Hill, good afternoon to you.

13 Mr. Alligood and Mr. McMurray are here from the  
14 Western District of Virginia, welcome, here on behalf of  
15 Probation.

16 We're here today because the petition and the  
17 supplemental report allege that Mr. Hill violated the terms of  
18 supervision.

19 Did you receive a copy of the petition and the  
20 supplement?

21 **MS. PRYOR:** We did, Your Honor.

22 **THE COURT:** Have you reviewed those with your client?

23 **MS. PRYOR:** I have, Your Honor. And Mr. Hill is  
24 actually requesting a continuance of this matter today, Your  
25 Honor. I believe it was -- I won't said filed because we don't



1 have an actual clerk's office here, but I think he did provide  
2 it on I believe the 8th floor, Your Honor, and because of the  
3 time that he drafted it, it seems like last night, he didn't  
4 have an opportunity to file it. So he did provide it to me, a  
5 copy, today.

6 He's asking for a continuance because his matter in  
7 state court was actually -- his appeal hearing was continued to  
8 December 2. It was in order -- the first hearing that he had,  
9 I believe he -- his attorney was released from that. He has a  
10 new attorney in state court, and so they continued it out to  
11 December 2.

12 And so Mr. Hill is asking, based on his rights here,  
13 that he would like for his hearing to be heard -- in  
14 Martinsville, Virginia, to be heard before this hearing today.

15 **THE COURT:** So explain to me exactly what is set for  
16 hearing in Virginia.

17 **MS. PRYOR:** So, Your Honor, he was found guilty of  
18 indecent exposure in Martinsville, Virginia. He appealed that  
19 matter. That matter was scheduled for --

20 **THE COURT:** Let me stop you.

21 **MS. PRYOR:** I apologize, yes.

22 **THE COURT:** So he's found guilty in the trial court?

23 **MS. PRYOR:** He was found guilty at trial, yes, Your  
24 Honor.

25 **THE COURT:** So he's appealed it to whom?

1           **MS. PRYOR:** He's appealed it to their -- which would  
2 be their next level, which would be their superior court. In  
3 that case, when he went to court on -- I think that was two  
4 weeks ago, they continued that matter to December 2 to be heard  
5 at that time, and he now has a new attorney.

6           **THE COURT:** And what's the nature of that appeal?

7           **MS. PRYOR:** It is the underlining matters that are  
8 here on this case.

9           **THE COURT:** I understand. Is it a de novo review, or  
10 is it an appeal?

11          **MS. PRYOR:** It would be a de novo review, Your Honor.

12          **THE COURT:** All right. What was he found guilty of?

13          **MS. PRYOR:** He was found guilty of the charges that  
14 he's here for today, Your Honor, which was in violation of  
15 indecent exposure. I think it's 137 -- I think it's 20-137,  
16 which is indecent exposure. It is a misdemeanor, Your Honor.

17          **THE COURT:** According to the petition, it's Virginia  
18 Code 18.2-387.

19          **MS. PRYOR:** I apologize, Your Honor. That's correct.

20          **THE COURT:** All right. Okay. Anything else on that?

21          **MS. PRYOR:** That's it, Your Honor. And then, of  
22 course, you know, Your Honor, if you would not continue it,  
23 we're prepared to proceed.

24          **THE COURT:** Well, I've also reviewed apparently today  
25 a pro se emergency notice of interlocutory appeal. Are you

1 aware of that?

2 **MS. PRYOR:** That's what I actually have, Your Honor,  
3 and I was referencing it as a continuance. Your Honor, I did  
4 receive that. I believe it might be couched in the wrong -- in  
5 what he's requesting. So, Your Honor --

6 **THE COURT:** This one says he's appealing to the  
7 Fourth Circuit; is that not right?

8 **MS. PRYOR:** That is correct, Your Honor.

9 **THE COURT:** What he's appealing?

10 **MS. PRYOR:** Your Honor, he is appealing --

11 **THE COURT:** I haven't ruled yet.

12 **MS. PRYOR:** I know, Your Honor.

13 **THE COURT:** Okay. All right.

14 Mr. Ramaswamy?

15 **MR. RAMASWAMY:** As to this -- addressing this motion  
16 --

17 **THE COURT:** Which "this"?

18 **MR. RAMASWAMY:** I'm sorry. There's no file number on  
19 it, but the petition for notice of interlocutory appeal, it  
20 would appear to the Government he's appealing Document 183,  
21 that's in the second paragraph, which is the Court's order on  
22 the motion to continue. That was a motion to continue by the  
23 defense, which the Court granted and the Government didn't  
24 oppose. So it would appear Mr. Hill's attempting pro se to  
25 appeal an order that was in the Defendant's favor.

1           **THE COURT:** Hold on just a minute.

2           (Pause in the proceedings.)

3           **THE COURT:** Okay. What's your position on the other  
4 motion? They want to continue this because he's appealing  
5 Virginia -- the court's -- the trial court's determination.

6           **MR. RAMASWAMY:** I don't believe there is a motion --  
7 unless it's one made orally, there is a motion to continue.

8           **THE COURT:** Do I have a written one?

9           **MS. PRYOR:** You do not have a written one, Your  
10 Honor. That was an oral motion just now, Your Honor. That's  
11 correct.

12          **THE COURT:** What's your view on that?

13          **MR. RAMASWAMY:** We would oppose, Your Honor. The  
14 officer is here under subpoena. The Defendant is here. The  
15 supervising officer is also here from Martinsville, Virginia.

16          **THE COURT:** Let me ask a question. When did the  
17 court in Virginia rule?

18          **MS. PRYOR:** Your Honor, do you mind if I get a second  
19 just to ask that question?

20          **THE COURT:** That's fine. I am going to want to know  
21 when he took the appeal, too.

22          **MS. PRYOR:** Okay. Yes, Your Honor.

23          (Ms. Pryor conferred with the Defendant.)

24          **MS. PRYOR:** I apologize. Thank you, Your Honor.

25          Your Honor, he actually was found guilty on

1 December 21 of 2019. He filed a pro se appeal on December 21,  
2 but it was mailed, so they did not have it couched as a pro se  
3 appeal until December 26 of 2019 -- I mean, I'm sorry, 2018. I  
4 apologize.

5 **THE COURT:** Okay. And then when was that scheduled  
6 for hearing?

7 **MS. PRYOR:** Well, Your Honor, when he did have the  
8 first hearing, they then -- he, of course --

9 **THE COURT:** When was the appeal scheduled to be  
10 heard, the original?

11 **MS. PRYOR:** Oh, the original, it was not scheduled  
12 until May and then -- that's only because he went off -- and I  
13 know that's probably longer than what you are asking me for,  
14 but they sent him to Butner for competency. He came back in  
15 May. They did couch the first hearing for May, and then they  
16 continued that one because he released that attorney. And then  
17 in July, he had a hearing, which is the one that you gave us  
18 permission to continue to this date for that hearing, but then  
19 that hearing was then rescheduled. He has another attorney who  
20 is going to be handling that hearing on December 2.

21 **THE COURT:** Okay. Well, the motion is dennded. The  
22 standard before this Court on a potential revocation of a  
23 petition is a preponderance standard, which is a different  
24 standard. So even if he were found not to be guilty beyond a  
25 reasonable doubt in a criminal court, that would not

1 necessarily preclude this Court from finding him guilty on a  
2 preponderance basis because that's the burden of proof. So it  
3 is also a late-blooming motion, so on timeliness grounds as  
4 well, I am going to deny the motion.

5 **MS. PRYOR:** Thank you, Your Honor.

6 **THE COURT:** All right. I read this emergency  
7 petitioner's notice of interlocutory appeal. To the extent  
8 that's even pending before me, it's not an impediment to my  
9 moving forward. He's purporting to appeal an order that, as  
10 the Government says, was one I granted in his favor, extending  
11 him more time to proceed. So he's not been harmed by that  
12 order, but, in any event, it's interlocutory.

13 So are you prepared to proceed?

14 **MS. PRYOR:** Yes, sir.

15 **THE COURT:** Did you say you reviewed the petition and  
16 the supplement with your client?

17 **MS. PRYOR:** I did review it with him, yes, Your  
18 Honor.

19 **THE COURT:** Do you have access to his original  
20 presentence report?

21 **MS. PRYOR:** I do, Your Honor.

22 **THE COURT:** And are you confident that he understands  
23 the charges pending against him?

24 **MS. PRYOR:** I am confident that he understands the  
25 charges that are here today.

1           **THE COURT:** All right. Mr. Hill, I need to speak  
2 with you for a moment, if you would stand, please, sir.

3           How are you this afternoon?

4           **THE DEFENDANT:** I'm all right.

5           **THE COURT:** Good. Did you receive a copy of the  
6 petition and supplement?

7           **THE DEFENDANT:** I did.

8           **THE COURT:** Did you review those with Ms. Pryor?

9           **THE DEFENDANT:** Yes.

10          **THE COURT:** Do you understand the charge against you?

11          **THE DEFENDANT:** I am.

12          **THE COURT:** You may have a seat, sir.

13          The allegation in the petition is that Mr. Hill was  
14 arrested by the Martinsville, Virginia Police Department for a  
15 misdemeanor indecent exposure on September 21, 2018. He  
16 reportedly was running around a public park nude at the time.

17          Does the Defendant admit or deny this allegation?

18          **MS. PRYOR:** He denies, Your Honor.

19          **THE COURT:** All right. Is the Government prepared to  
20 proceed?

21          **MR. RAMASWAMY:** Yes, Your Honor.

22          **THE COURT:** All right. You may call your witnesses.

23          **MR. RAMASWAMY:** Thank you. The Government would call  
24 Robert Jones.

25          **SERGEANT ROBERT JONES,** GOVERNMENT'S WITNESS, being first duly

1 sworn, testified as follows at 3:48 p.m.:

2           **THE COURT:** Before you begin, give me a chance to  
3 look at one thing.

4           **MS. PRYOR:** Your Honor, may I have just one moment  
5 with my client?

6           **THE COURT:** Yes, you may.

7           (Ms. Pryor conferred with the Defendant.)

8           **THE COURT:** Okay. I was just confirming that it's  
9 Docket Entry 176, that the U.S. Court for the Western District  
10 of Virginia in Roanoke did, in fact, find Mr. Hill to be  
11 competent. That appears to be the case.

12           **MS. PRYOR:** That is correct, Your Honor.

13           **THE COURT:** Thank you. All right.

14           Mr. Ramaswamy, you may proceed, sir.

15                               DIRECT EXAMINATION

16   **BY MR. RAMASWAMY**

17   Q     Would you state your name and occupation for the record,  
18 please.

19   A     Robert Jones, patrol sergeant in the Martinsville City  
20 Police Department.

21   Q     How long have you been with the Martinsville PD?

22   A     Just over 17 and a half years.

23   Q     And were you on duty on September 21st of last year?

24   A     I was.

25   Q     And what were your duties on that date?



1 A I was the supervisor for the patrol shift that evening.

2 Q Did you receive a call from dispatch that evening?

3 A We did.

4 Q What was that call in reference to?

5 A Radio traffic came across as a male subject with no  
6 clothes on running down the side of the street at Hooker Street  
7 near the Henry County Public Safety building.

8 Q And what did you do in response to that call?

9 A Several of the officers that work for me went to that area  
10 and were trying to locate that individual. I came from another  
11 part of the town. As I came across, they were not having any  
12 luck locating him. I went to an area of Pine Street. At the  
13 dead end section of that, there is a set of steps that go onto  
14 the walking trail that connects where the individual was first  
15 seen to where I was coming from.

16 Q You mentioned Hooker Street was the original place of the  
17 report; correct?

18 A Correct. It's Hooker Street and Church Street there at  
19 Burger King. It's an intersection right there at that area.

20 Q You mentioned the walking trail. What's the name of that  
21 trail?

22 A It is the Dick and Willie Trail.

23 Q And do you know approximately how long that trail is?

24 A It's several miles long.

25 Q And in reference to Martinsville, where does it go in

1 reference -- is it remote or is it residential or a mixture?

2 A A mixture.

3 Q I believe you said you went to a set of steps near Pine  
4 Street; is that correct?

5 A Yes, sir.

6 Q Would you tell the Court what happened next?

7 A I went down the steps around the edge of the intersection  
8 there where the trail splits off back towards the direction  
9 where the individual had been seen. As I was coming up the  
10 trail, I could hear footsteps coming towards me; at which  
11 point, I stopped to see if the individual would come closer to  
12 me before I made contact.

13 Q On that trail, is that trail open at night?

14 A It is.

15 Q Is it a park?

16 A It's a walking trail that goes from the county through the  
17 city back out into the county.

18 Q And you said you heard the footsteps before you saw  
19 someone?

20 A Correct.

21 Q Did you eventually see someone?

22 A I did.

23 Q Did you see him -- did you have a flashlight?

24 A I did.

25 Q Did you see him by your flashlight or by other light?

1 A By my flashlight.

2 Q And do you see the person that you saw that night?

3 A I do.

4 Q And is he in the courtroom?

5 A He is. It's the Defendant sitting at the table with his

6 attorney.

7 Q Mr. Hill?

8 A Correct.

9 Q Describe Mr. Hill when you saw him.

10 A When I shined my light on Mr. Hill, he was completely

11 naked other than a backpack, his tennis shoes and socks, and a

12 stocking cap.

13 Q How far away was he when you first saw him?

14 A About the length of the courtroom.

15 Q And when you -- after you saw him, what did you do?

16 A I yelled at him to stop. When I shined my flashlight on

17 him, he took off, which would have been where I was facing to

18 my left into the wood line and down the hill into the creek.

19 Q Did you see him holding anything?

20 A He did. He had a yellow flashlight in his hand and then

21 also another black object, which was later found to be another

22 flashlight in his other hand.

23 Q I'm sorry. After he ran down the hill and into the wooded

24 area, did you pursue?

25 A I did.

1 Q Describe that for the Court, please.

2 A We run through the brush, through the thicket down into  
3 the creek; at which point, he jumped over a log into the creek.

4 Q Was he still holding the objects?

5 A One of the objects had fell. The small black flashlight  
6 had fallen. That was picked up by one of the other officers  
7 that came to assist me.

8 Q And what did you do next?

9 A He was handcuffed at that point and was walked out of the  
10 wooded area back to the patrol cars that met us at -- off of  
11 Hooker Street on one of the side streets.

12 Q You mentioned two flashlights in a backpack. Did he have  
13 anything else with him?

14 A Yes, there was -- in his backpack was located a camera.

15 Q Did Mr. Hill make any statements to you at that time?

16 A He was complaining of knee pain; at which point, we  
17 transported him to the hospital to get him checked out to make  
18 sure he was okay. While there, he proceeded to explain to me  
19 that the reason he was out there like that was because a male  
20 subject -- a black male in a hoodie had threatened him and  
21 forced him to take pictures of himself.

22 Q What -- did he gave any more detail than that, a black  
23 male in a hoodie forced him to take photos?

24 A He did. He said that the male subject threatened him and  
25 his family and told him that he needed to take these photos of

1 himself naked; otherwise, they were going to hurt his family.

2 Q Did he make any statement as to whether or not this person  
3 knew his family?

4 A When questioning him if the male subject was with him when  
5 he took the photos and stuff that were on the camera, he stated  
6 he was not with him. And when questioned about that and why he  
7 didn't come to see us and asked him -- he proceeded to explain  
8 to us that this subject was working for law enforcement and  
9 other individuals in reference to his prior charges.

10 Q So it was a story that his original child pornography  
11 charge -- that this unknown person was somehow affiliated with  
12 that charge?

13 A Correct.

14 Q What did he say about the camera itself?

15 A He said that the -- originally said that the male subject  
16 had given him the camera to go take the photos. I had seized  
17 the camera during this time. A search warrant was issued for  
18 it, and on the camera card -- on the SD card inside the camera  
19 was a Word document that belonged to Mr. Hill.

20 Q Were there other things on the camera card?

21 A Photos from that evening.

22 Q Did he say what he was supposed to do with the camera  
23 after he took these pictures?

24 A He did. He was supposed to leave it on one of the benches  
25 on the walking trail.

1 Q Now, did you obtain a search warrant for the contents of  
2 the camera?

3 A I did.

4 Q And did you later find the photographs and document you  
5 mentioned on the camera?

6 A Correct.

7 **MR. RAMASWAMY:** May I approach?

8 **THE COURT:** Yes.

9 **BY MR. RAMASWAMY**

10 Q Officer Jones, I'm going to show what's marked as  
11 Government's Exhibit 1, which is a two-page exhibit, a contact  
12 sheet. Do you recognize what's on Government's Exhibit 1?

13 A Yes. These are thumbnails of the photos that were found  
14 on that card.

15 Q I'm going to ask you to look at Government's Exhibit 1,  
16 and on the photographs themselves, does there appear to be a  
17 time/date stamp?

18 A It is.

19 Q Is that time/date stamp consistent with the day that the  
20 incident occurred?

21 A It is.

22 Q And also below each photograph is some text that begins  
23 with the word "Sanyo," and the first one at the top left of  
24 Government's Exhibit 1 says sanyo001.jpg. Do you know what  
25 that is?

1 A That's the -- normally, that's the stamp that the camera  
2 puts onto the card for the photo that's stored on it.

3 Q So that's the file name for each of the photographic files  
4 on the camera?

5 A Correct.

6 Q Is what's shown in Government's Exhibit 1 all of the  
7 photographs found on Mr. Hill's camera?

8 A Yes.

9 Q And I know there are --

10 **MR. RAMASWAMY:** I would ask that Government's  
11 Exhibit 1 be admitted, Your Honor.

12 **MS. PRYOR:** Your Honor, we have no objection. Just  
13 ask that it be sealed because of the nature of it.

14 **THE COURT:** All right. It's admitted.

15 **BY MR. RAMASWAMY**

16 Q I'm going to ask you about Government's Exhibit 1 in  
17 relation to this trail, the Dick and Willie Passage. In your  
18 further investigation or knowledge, were you able to determine  
19 whether these photographs were taken in reference to that  
20 trail?

21 A Further investigation from the initial incident, it looks  
22 like all of these were taking place at the Greene Company right  
23 behind the Mexican restaurant right in that area, Virginia  
24 Avenue, Memorial Boulevard, and Commonwealth Boulevard.

25 Q What type of area is that?

1 A It's the Wal-Mart -- it's our Wal-Mart intersection.  
2 There's several restaurants, a gas station right here in this  
3 little area, along with a hotel there as well.

4 Q In terms of Martinsville, or Henry County, is it -- how  
5 would you describe it in terms of car traffic? Foot traffic?

6 A Heavy traffic.

7 **THE COURT:** Any objection to sealing these, given the  
8 nature of them?

9 **MR. RAMASWAMY:** I don't have any objection.

10 **MS. PRYOR:** Thank you.

11 **THE COURT:** I'll order that they be sealed, that is,  
12 Government's Exhibit 1.

13 **BY MR. RAMASWAMY**

14 Q It's Detective Jones; correct?

15 A Sergeant Jones.

16 Q I'm sorry.

17 A No problem.

18 Q Sergeant Jones, I'm going to show what's marked as  
19 Government's Exhibit 2. Do you recognize Government's  
20 Exhibit 2?

21 A Yes, sir.

22 Q In Government's Exhibit 2 is a map, arrows, and some text.  
23 Have you previously reviewed this in relation to the  
24 photographs and file names?

25 A Yes, sir.



1 Q And as it describes in numbered sequence one through five,  
2 does that accurately show, as to the files in Government's  
3 Exhibit 1, the locations where those photographs were taken?

4 A Yes, sir. These are consistent with the photographs.

5 Q Those photographs I mentioned before have a time stamp;  
6 correct?

7 A Correct.

8 Q And for the record, on Government's Exhibit 2, on the  
9 first number there, under No. 1, when do the photographs begin,  
10 as far as the time stamp?

11 A At 12:29 a.m.

12 Q Sergeant Jones, I'm showing you what's marked as  
13 Government's Exhibit 3, and I want you in reference to -- what  
14 does Government's Exhibit 3 show?

15 A This is photographs of the Greene Company from Virginia  
16 Avenue over the bridge, along with the beginning of the walking  
17 trail there for parking, the bike rack, and the little bulletin  
18 board there at the beginning of the trail.

19 Q You mentioned that bike rack and bulletin board. That's  
20 approximately in the center of the large photograph; correct?

21 A Correct.

22 Q And the bike rack is that the green --

23 A Just the little -- right beside the green trash can and  
24 bulletin board.

25 Q Do you see those same -- that bulletin board and bike rack

1 and trash can in Government's Exhibit 1, in those photographs?

2 A Yes.

3 Q And I'll show you what's marked Government's Exhibit 4.

4 Again, another large photograph in the daytime -- taken in the  
5 daytime. Do you recognize that?

6 A Yes, sir. That is the backside of the Greene Company and  
7 their parking lot, along with the Taco Bell old truck --  
8 transfer truck that they have there.

9 Q That says Taco Bell?

10 A Minus a few letters.

11 Q Okay. On the second page of Government's Exhibit 1, is  
12 there are also a Taco Bell truck with the B and final L missing  
13 from Bell?

14 A Correct.

15 Q Is that what you were able to determine was the location  
16 of the photographs shown on the back -- the second page of  
17 Government's Exhibit 1?

18 A Yes, sir.

19 Q I'll show you what's marked Government's Exhibit 4 --  
20 Government's Exhibit 5. Would you tell us what's shown in that  
21 photograph?

22 A That is the intersection for the Commonwealth, Virginia  
23 Avenue, Memorial Boulevard intersection.

24 Q And that's a photograph taken in the daytime; correct?

25 A Correct.

1 Q Now, in relation to Martinsville, Henry County -- well,  
2 strike that.

3 Is that the same intersection that has the Wal-Mart on the  
4 one side and other businesses on the other?

5 A Correct.

6 Q In relation to Martinsville and Henry County, how busy of  
7 an intersection is that? Is it a -- it's in the top?

8 A It's one of our busiest intersections for that area.

9 Q I am going to show you a photograph marked Government's  
10 Exhibit 6.

11 **MR. RAMASWAMY:** And I have no objection if counsel  
12 moves to seal this one as well, Your Honor.

13 **MS. PRYOR:** That would be my request, Your Honor.

14 **THE COURT:** All right. It's granted.

15 **BY MR. RAMASWAMY**

16 Q I have some questions related to Government's Exhibit 6.  
17 What is shown in that exhibit?

18 A This is the grassy section just up from the intersection  
19 behind the gas station. The Wal-Mart intersection is here with  
20 the stoplights. The signs for all the stores down there in the  
21 strip mall just below Wal-Mart is here in the smaller, lower  
22 right-hand corner.

23 Q And you're pointing to the lower right-hand corner of  
24 Government's Exhibit 6. Is there also a yellow sign with a  
25 semicircular top about in the center near the bottom?

1 A Yes, sir.

2 Q What business is that?

3 A That's one of the businesses right here on the main strip.  
4 I think it's a Midas or Monroe, something to that effect, and  
5 then Hill Chiropractic is right there as well.

6 Q Is that a tire store?

7 A Correct.

8 Q And is that visible? Is this intersection visible in  
9 Government's Exhibit 5?

10 A Yes, sir. It's right here.

11 Q And you're pointing to -- in Government's Exhibit 5, on  
12 the right, you're pointing to where there's a Lowe's sign, in  
13 between the Lowe's and the Wal-Mart?

14 A Right. The Hill Chiropractic sign is here just at the  
15 stoplight, the Monroe Muffler shop is here, and the Wal-Mart  
16 intersection is all right there together.

17 **MS. PRYOR:** Your Honor, do you mind if I move closer  
18 just so I can see where they're pointing? I am unable to see  
19 it from here.

20 **THE COURT:** Why don't you hold it up so counsel can  
21 see it.

22 **THE WITNESS:** The Wal-Mart intersection is here where  
23 the blue sign is. We've got the yellow building, which is the  
24 muffler shop, tire shop there, and then just past that one with  
25 this other brick building behind it is the Hill Chiropractic

1 building.

2 **BY MR. RAMASWAMY**

3 Q I have a couple more.

4 Directly -- is Mr. Hill shown in this Government's  
5 Exhibit 6?

6 A He is.

7 Q In the space between his arm, is there a sign visible?

8 A It is.

9 Q Do you see that same sign in Government's Exhibit 5?

10 A Yes, sir.

11 Q What sign is that in Government's Exhibit 5?

12 A It's the Mexican restaurant sign, the El Parral.

13 Q And do you also see behind Mr. Hill in Government's  
14 Exhibit 6 what appears to be a yellow curb?

15 A I do.

16 Q Do you see that yellow curb in Government's Exhibit 5?

17 A I do. That is actually the Stultz Road intersection.

18 Q Can you tell on Government's Exhibit 5 the vantage point  
19 from which Government's Exhibit 6 was taken?

20 A That appears to be the grassy section behind the gas  
21 station, which is Fast Fuels.

22 Q I'm going to give you a pen. If you would mark on there,  
23 if you're able.

24 A Fast Fuels would be up here just out of camera view, and  
25 it would be down here in this corner in Photo 6.

1 Q So you placed a small dot on each photograph, which is the  
2 apparent vantage point on Government's Exhibit 5 from which  
3 this photo was taken; correct?

4 A Correct.

5 Q Do you see anything other than the store lights in  
6 Government's Exhibit 6?

7 A Yes, sir. There appears to be taillights from a vehicle  
8 passing at the intersection.

9 Q And that is on the photograph just to the right of the  
10 Defendant's leg with the black sock?

11 A Correct, which would be roughly two-thirds down the page,  
12 middle of the page.

13 Q In relation to this trail, do you -- strike that.

14 Let me show what's marked as Government's Exhibit 7, and I  
15 ask you to take a moment and look at that.

16 Have you seen that exhibit before?

17 A I have.

18 Q Would you describe what's in the exhibit?

19 A It's a roadmap of the city and locations of where the  
20 photos were originally started and a location of the time of  
21 the original call that we received from dispatch and  
22 approximate arrest location.

23 Q So there's four annotations on here. This 310 Forest  
24 Street, do you know what that is?

25 A That's down where the suspect lived, Mr. Hill.

1 Q And everything -- as far as the photographs, were those  
2 taken where it says photos taken here, 12:29 to 1:20 a.m.?

3 A Correct.

4 Q And I may not have asked you the time that the call came  
5 in to the police, but do you know what time that call came in?

6 A It was 3:12 in the morning.

7 Q And is this -- can you review the place where it says  
8 "arrest"? Is that accurate as to the place to which the  
9 Defendant was arrested?

10 A Yes, sir.

11 Q The distance between where the photographs were taken and  
12 where it shows the 911 call location was made, can you tell  
13 even approximately what distance was that?

14 A It's a couple of miles.

15 **MR. RAMASWAMY:** One moment, please.

16 **THE COURT:** Sure. While you're going through that,  
17 just so counsel has an idea, I can go until about 5:15 today.  
18 So if you think you need to go beyond that, we'll have to make  
19 arrangements.

20 **MR. RAMASWAMY:** I don't anticipate -- thank you, Your  
21 Honor. I am sorry to interrupt. I don't anticipate more than  
22 two other exhibits, and my evidence will be all through this  
23 witness.

24 **THE COURT:** All right.

25

1 **BY MR. RAMASWAMY**

2 Q I'm going to show you a four-page exhibit marked as  
3 Government's Exhibit 8, and I ask that you take a moment and  
4 look at that, please.

5 Sergeant Hill [sic], can you tell -- have you seen  
6 Government's Exhibit 8 before?

7 A I have.

8 Q What is it?

9 A It's the document that was found on the SD card in printed  
10 version that belonged to Mr. Hill that was on the camera when  
11 we did the search warrant.

12 Q So this document was on the same card as the photographs?

13 A Correct.

14 Q And I will show what's been marked as Government's  
15 Exhibit 9. I'll ask that you take a look at that.

16 In your examination of the contents of the camera card,  
17 did you observe the properties for that four-page document I  
18 just showed you?

19 A I did.

20 Q And is this a screenshot of the properties?

21 A It is.

22 Q And under the author, what does it say?

23 A Brian D. Hill.

24 Q Did you ever see anyone else on the trail that night  
25 besides Mr. Hill?



1 A No, that's the only person that I came into contact with.

2 Q Other than September 21, were you -- of last year, were  
3 you aware of other calls in reference to a naked person on that  
4 trail or in that area?

5 A We have had other calls in the city in reference to a  
6 white male running naked with a stocking cap on, which was  
7 consistent with Mr. Hill.

8 Q Did you get similar calls after Mr. Hill was arrested in  
9 this case?

10 A We've had, I know, two other calls for indecent exposure  
11 incidents, but they were both identified as not being Mr. Hill.

12 Q And you mentioned he was -- he was charged with indecent  
13 exposure; correct?

14 A Correct.

15 Q Are you familiar with the Virginia statute?

16 A Yes, sir.

17 Q I will show you what's been marked as Government's  
18 Exhibit 10, and ask that you take a look at that and see if you  
19 recognize that.

20 A Yes, sir.

21 Q What is Government's Exhibit 10?

22 A That is a printout of our state statute for indecent  
23 exposure.

24 Q And that's under your Virginia Code Section 18.2-387;  
25 correct?

1 A Correct.

2 Q That's what Mr. Hill was charged with?

3 A He was charged under our local statute, which mimics this  
4 just for funding purposes.

5 Q There was mention before about a trial. Was that a bench  
6 trial?

7 A Yes, sir.

8 Q So the current matter on appeal was on appeal for jury  
9 trial; correct?

10 A It was slated for a jury trial, yes, sir, it was.

11 Q Do you know when that was set for trial?

12 A It was a couple of weeks ago. It was continued. I'm not  
13 sure of the exact date. I don't have my calendar.

14 **MR. RAMASWAMY:** I have no other questions.

15 **THE COURT:** All right. Are you moving any of these  
16 in?

17 **MR. RAMASWAMY:** I'm sorry. I believe I moved for  
18 Government's Exhibit 1. For the remainder of the exhibits,  
19 we'd asked that they be admitted, and I believe two of them are  
20 under seal, Your Honor.

21 **THE COURT:** Any objection?

22 **MS. PRYOR:** No objections, Your Honor.

23 **THE COURT:** They are admitted, and Exhibit 1 and  
24 Exhibit 5 are under seal.

25 Ms. Pryor, any questions?

1                   **MS. PRYOR:** Yes, Your Honor.

2                                   CROSS-EXAMINATION

3 **BY MS. PRYOR**

4 Q       Can you tell us -- I believe you stated that the call came  
5 in around what time?

6 A       Around 3:12 in the morning.

7 Q       And was that the only call that you received?

8 A       It was.

9 Q       Okay. And at 3:12 in the morning, are any of the places  
10 that's on the map, I believe Taco Bell, the Mexican  
11 restaurants -- are those places open at that time?

12 A       The Greene Company that has the Taco Bell delivery truck  
13 is not open at that point. The Wal-Mart at that intersection  
14 is still open. Other than -- as far as the Mexican restaurant  
15 and the other restaurant right on the corner, they are not.

16 Q       I believe there is a Roses as well on that corner as well?

17 A       Correct.

18 Q       And Lowe's as well?

19 A       Yes.

20 Q       And are those open at that time in the morning?

21 A       No, ma'am.

22 Q       And when you did proceed to arrest my client at that time,  
23 how many people were around at that time?

24 A       It was me and him when he was placed in handcuffs in the  
25 woods. Another officer was coming down to us but had not made

1 it to us at that point.

2 Q Was there anyone on the trail at that time?

3 A I did not make any contact with anybody else at that time.

4 Q And you said what when you approached him? He was -- that  
5 he did -- he did lead you on a pursuit?

6 A Correct.

7 Q Do you recall about how long that pursuit was?

8 A It wasn't far. He made it to the bottom of the hill  
9 through the vines and brush and, like I said, jumped over a log  
10 into the creek out of my sight, which I was trying to give him  
11 commands to show me his hands at that point.

12 Q And you didn't see anyone when you were on that pursuit?

13 A No.

14 Q At the time -- these photos are clearly taken during the  
15 daytime with many cars, of course, on this, but at 3:12 a.m.  
16 when you were traveling, based on that call, did you see --  
17 about approximately how many cars was on the road at that time?

18 A This was not at -- when he was taken into custody, it was  
19 not at that intersection. It was farther up the trail towards  
20 the other side of the city.

21 Q Okay. So farther up the trail -- are there any  
22 restaurants farther up that trail?

23 A That actually comes out to another intersection where  
24 there's restaurants, some other businesses, and stuff like  
25 that. Those were not open during this particular time. It

1 proceeds up past the access for the hospital and continues on  
2 out to the Public Safety building, which is -- somebody's  
3 staffing that 24 hours a day.

4 Q Okay. And you said that the caller, based on the diagram  
5 on -- I believe that's Government's Exhibit No. 7. The caller  
6 that called in at 3:12 a.m., that was near I believe -- that  
7 looks like a Burger King; is that correct?

8 A Correct. Right there at that intersection for the Burger  
9 King is a 24-hour laundromat and just around -- if you take a  
10 right from there, you are in sight of the CVS that's open 24  
11 hours a day.

12 Q And that's not pictured here on Exhibit No. 5; correct?

13 A No.

14 Q And when you approached -- or when you did ask him to  
15 stop, did you have on your uniform at the time?

16 A I did.

17 Q And did you tell him that you were police at the time?

18 A I do not recall if I actually said I was police or not  
19 when I told him to stop; at which point, he went straight into  
20 the woods, and I began chasing him.

21 Q And once you did arrest him, you said that he had a  
22 flashlight and a book bag, and I believe you said one other  
23 item?

24 A There was a backpack on him. He had a large flashlight,  
25 like a square battery one, in his hand, and he also dropped a

1 small black flashlight while running.

2 Q And you were able to recover all of those things?

3 A We did.

4 Q Did he voluntarily provide you with his camera as well?

5 A He did. When he was explaining the situation, his first  
6 story as to what had -- the reason why he was out there that  
7 late, he gave us permission to look at -- one of the officers  
8 to look at the photos, and that's how we came about those.

9 Q Okay. And one of the things that he said at the time is  
10 that there was a male that was in a hoodie, that he was told  
11 that he had to take those pictures?

12 A Correct.

13 Q And did he tell you any other information about the male  
14 in the hoodie?

15 A He proceeded to explain to me that during this time frame,  
16 during questioning him and trying to get some more information  
17 about that -- he provided more information as to that male  
18 subject with the hoodie was working for the people that were --  
19 that had originally been in his original charges.

20 Q Okay. And did you investigate whether he -- whether there  
21 was some threat to his family or anything?

22 A Talking with him, the time frame didn't really add up to  
23 me at that point. We made contact with his -- tried to make  
24 contact with his mother that night. I don't know if anybody  
25 actually spoke to her. I don't recall.

1 Q Okay. But as part of your investigation, have you been  
2 able to find out whether there were some threatening matters  
3 that was sent to him or his family?

4 A I have not heard anything of that, no.

5 Q But do you -- but you didn't do the investigation?

6 A No.

7 Q Did Mr. Hill -- when you approached him, did he tell you  
8 that he had autism?

9 A He did.

10 Q And do you guys -- does your -- I would say does your --  
11 does the department train you on how to approach someone with  
12 autism?

13 A We deal with some academy-wise and not much follow-up  
14 after that.

15 Q Did he also tell you that he was a diabetic as well?

16 A I do not recall him telling me that, no.

17 Q Did he tell you that he was also OCD?

18 A Not that I recall.

19 Q And when you took him to the hospital, did they admit him  
20 into the hospital that night?

21 A No, they cleared him medically and psychologically and  
22 released him to us.

23 Q Okay. Did you get those reports from -- the medical  
24 reports?

25 A No, I did not do a subpoena for his hospital records.

1 Q Okay. Did you speak to a doctor or anyone regarding his  
2 condition or anything of that nature that night?

3 A We -- other than just checking with him to see if they  
4 were going to be releasing him or admitting him, no.

5 Q Do you recall any tests that were taken that night besides  
6 just checking, I believe you said, his knee?

7 A No, ma'am. Like I said, when we -- we also checked him  
8 for mental health issues is the reason why they cleared him  
9 psychologically, to make sure there was nothing going on there.  
10 Once they do that, they do lab work and other stuff. I didn't  
11 ask about his medical history.

12 Q Was there any tests dealing with his blood alcohol content  
13 or anything of that nature?

14 A I don't know if they did. Like I said, I did not get his  
15 records. They normally do, but I do not have that.

16 **MS. PRYOR:** No further questions, Your Honor.

17 **THE COURT:** Any redirect?

18 **MR. RAMASWAMY:** Briefly, Your Honor.

19 REDIRECT EXAMINATION

20 **BY MR. RAMASWAMY**

21 Q Counsel asked you about certain businesses and whether or  
22 not they were open in this time frame. Are there residences  
23 along this trail?

24 A It is.

25 Q Were there residences close to the trail?



1 A There are.

2 Q Are there residences where there's no obstruction between  
3 the residence and the trail?

4 A Yes, sir.

5 Q And this did, in fact, come in on a call of a report of a  
6 naked man; correct?

7 A Correct.

8 **MR. RAMASWAMY:** No other questions.

9 **MS. PRYOR:** I just have a follow-up on that.

10 **THE COURT:** All right.

11 **RE CROSS-EXAMINATION**

12 **BY MS. PRYOR**

13 Q Were any pictures taken in front of any houses?

14 A Not on the camera that I saw, no.

15 Q And the residences that he mentioned, are those residences  
16 behind trees on the trail?

17 A There's some that back up to it that you can see the trail  
18 from, along with -- the original call that came in, the trail  
19 actually runs right up the side of the road where the original  
20 call came in.

21 Q And did that call come in from a resident?

22 A No, it was a passerby in a car.

23 **MS. PRYOR:** Thank you. No further question.

24 **THE COURT:** What time did you say you were on the  
25 scene there the first time?



1 A Yes, sir, I have supervised him Mr. Hill since about  
2 July 1, 2015.

3 Q Okay. And as long as you have been supervising Mr. Hill,  
4 has he had any infractions besides the one that we are  
5 presently here for today?

6 A The only one was when shortly after he was released from a  
7 prior revocation hearing, for which he was not revoked, he was  
8 referred to sex offender specific treatment. After a short  
9 time of enrollment, the counselor advised that he was not  
10 amenable to treatment and recommended that he be terminated. I  
11 advised the probation office in this district, who had, in  
12 turn, advised the Court, and the determination was made that if  
13 he was otherwise stable with no other concerns or issues, we  
14 could just continue with supervision.

15 Q Okay. And so he continued on supervision.

16 Did he have the occasion to attend any mental health  
17 treatment?

18 A He saw a private counselor named Preston Page that was  
19 paid for by his Medicaid, I do believe. He maintained contact  
20 with Mr. Page, and I would check with Mr. Page occasionally to  
21 see how things are going.

22 Q Are you aware that Mr. Hill is diagnosed with autism?

23 A I am aware, yes.

24 Q And with your reaction and your interaction with him, have  
25 you found -- have you found to determine that you do see some

1 level of weaknesses when it comes to -- when it comes to your  
2 communication with him?

3 A Sometimes it can be difficult to communicate with  
4 Mr. Hill. So I have on many occasions -- he resides with his  
5 mother, and I have spoken with Roberta, is his mother's name,  
6 to see how things are going. And Mr. Hill has always been  
7 respectful. It is hard to communicate with him on --  
8 sometimes, but I will speak with his mother, and I have spoken  
9 with his grandparents on occasion as well.

10 Q Okay. And when you've talked to Mr. Hill, I think you  
11 stated it, has he been respectful with you?

12 A He has.

13 Q And did Mr. Hill tell you -- did you get an opportunity to  
14 speak to him about this particular violation hearing?

15 A In what regard?

16 Q Just has he talked to you about what happened or anything,  
17 that he spoke to the police officers and that nature?

18 A When he was incarcerated, he had submitted some letters.  
19 We have not spoken face to face or on the telephone regarding a  
20 violation.

21 Q And other than this violation that we're here today,  
22 Mr. Hill, to your recollection, has been in compliance with all  
23 of the conditions of his release?

24 A He's been in compliance since I have supervised him until  
25 his arrest.

1 Q Okay. Did you --

2 MS. PRYOR: Can I have one moment, Your Honor?

3 THE COURT: Yes.

4 (Pause in the proceedings.)

5 BY MS. PRYOR

6 Q Do you recall what date he was arrested for these matters?

7 A September 21, 2018.

8 Q Okay. And do you recall what date the federal -- that the  
9 federal Government -- or, let me say, the probation office  
10 filed their violation?

11 A I'm not aware of the exact date that the petition in North  
12 Carolina -- this district was filed, but I notified the  
13 probation office, and they proceeded to request the violation  
14 warrant. I'm not exactly sure of the date.

15 Q Okay. And do you recall whether Mr. Hill, once he was --  
16 once he was found guilty in Martinsville, did the Federal  
17 Government have a hold on his -- on his detainer?

18 A That is correct, because he was brought into magistrate  
19 court in Roanoke for his initial appearance on the violation  
20 proceedings.

21 Q Okay. And can you tell the Court what happened at the  
22 particular proceeding? Did you attend that proceeding?

23 A Yes, ma'am, I did.

24 Q First, did you attend that proceeding?

25 A Yes, ma'am, I was there.

1 Q And can you tell the Court what the judge recommended  
2 based on that proceeding that day?

3 A This took place on December 26, 2018. Magistrate Judge  
4 Ballou ordered that he be sent to Butner for a psychological  
5 evaluation.

6 Q And how many days was he supposed to be at that -- or go  
7 through that process?

8 A He was not returned to court until May 14th of this year,  
9 2019.

10 Q Okay. After he returned May 14th of this year, was he  
11 released at that time?

12 A Yes, ma'am, he was.

13 Q Okay. And he was released back home?

14 A Yes, to the home that he shares with his mother.

15 Q And did that Court find that he was not a flight risk at  
16 the time?

17 A Yes.

18 Q And since he's been home, I believe you said May 14, 2019,  
19 has he been in violation of that particular conditions of that  
20 release?

21 A No, ma'am.

22 Q Okay. And based on that release, that was -- based on  
23 that release on May 14, 2001 [sic], have you had a chance to  
24 visit him at home?

25 A Yes, monthly.

1           **MS. PRYOR:** No further questions, Your Honor.

2           **THE COURT:** Any cross?

3                           CROSS-EXAMINATION

4   **BY MR. RAMASWAMY**

5   Q     You mentioned previously that Mr. Hill's sex offender  
6   treatment or counseling was terminated because he was found not  
7   to be amenable to treatment; correct?

8   A     Yes, sir.

9   Q     Do you know what the nature of that was?

10   A    Yes, I do. Dr. Keith Fender of Radford Counseling advised  
11   that in group treatment Mr. Hill was not accepting  
12   responsibility for his underlining charge -- or conviction,  
13   rather, and that that would be a detriment to the group, and  
14   they determined that he should be removed from group, because  
15   part of that is that you accept responsibility and you work  
16   through what they call a workbook, which is a quite lengthy  
17   piece of material. So it was determined to remove Mr. Hill  
18   from the group.

19   Q     And counsel asked you if you had spoke to Mr. Hill about  
20   this incident. Did Mr. Hill admit the conduct in this  
21   violation, the conduct of this hearing?

22   A     We did not -- we have not spoken face to face. I have not  
23   asked him whether he committed the offense. He had written  
24   letters when he was in prison discussing the story that we  
25   heard previously about the individual asking him to take the

1 pictures.

2 Q Let me ask you -- I believe it's Government's Exhibit 8  
3 was the monthly supervision report for the month of  
4 August 2018.

5 A Yes, sir.

6 Q Have you -- did you previously see that exhibit?

7 A Yes, I have previously seen the exhibit.

8 Q Had you seen it before today?

9 A It is a copy of our monthly supervision report, which we  
10 receive timely every month from Mr. Hill, and it was  
11 representative of one that he sends me every month.

12 Q As far as being a registered sex offender and the  
13 conditions of his supervision, would that prevent him from  
14 going to parks and places where children congregate?

15 A I would have to review his conditions of supervision, but  
16 our standing order in the Western District of Virginia would  
17 require permission for someone to go to places that are  
18 primarily used by children.

19 Q Did Mr. Hill ever seek such permission in relation to the  
20 Dick and Willie Passage?

21 A In the past, he has asked for permission during the  
22 daytime hours to go on the trail to take pictures of wildlife  
23 and nature.

24 Q Now, the probation office's recommendation in this case is  
25 revocation; correct?



1 A That's correct.

2 Q Has that changed, to your knowledge, since the time the  
3 report has come up?

4 A To my knowledge, it has not.

5 **MR. RAMASWAMY:** No other questions.

6 **THE COURT:** Any redirect?

7 **MS. PRYOR:** Yes, just one.

8 REDIRECT EXAMINATION

9 **BY MS. PRYOR**

10 Q Did -- we've mentioned about the sexual offense program.  
11 Was there a workbook that was provided to Mr. Hill?

12 A To my knowledge, there was, and he completed it very  
13 quickly, which the workbook, as it's been explained to me, it  
14 takes quite some time to complete. There are numerous phases  
15 that you must go through, and it's not something that can be  
16 completed without presenting the material to the group and  
17 receiving feedback. It's not something that can be completed  
18 in a couple of weeks or even a month.

19 Q Okay. And every time that Mr. Hill has went out, Mr. Hill  
20 does inform you that he is traveling, or any of that nature;  
21 correct?

22 A Yes, ma'am.

23 **MS. PRYOR:** Thank you. No further questions, Your  
24 Honor.

25 **THE COURT:** You may step down, sir.

1 (At 4:37 p.m., witness excused.)

2 **THE COURT:** Any other evidence for the Defendant?

3 **MS. PRYOR:** Yes, Your Honor.

4 **THE COURT:** All right.

5 **MS. PRYOR:** I call Ms. Roberta Hill, Your Honor.

6 **ROBERTA HILL,** DEFENDANT'S WITNESS, being first duly sworn,  
7 testified as follows at 4:37 p.m.:

8 DIRECT EXAMINATION

9 **BY MS. PRYOR**

10 Q Can you tell us your name for the record.

11 A Roberta Ruth Hill.

12 Q And what is your relationship with Mr. Brian Hill?

13 A I'm his mother.

14 Q Okay. And where does Mr. Hill stay in comparison to where  
15 you stay?

16 A In the apartment below my apartment at 310 Forest Street,  
17 Apartment 2.

18 Q And so is this a type of duplex type of home?

19 A Yeah, it is.

20 Q Okay. And so do you work during the daytime?

21 A No. I'm at home, and I can check on him any time during  
22 the day and night.

23 Q Okay. And so at one time, you guys were having some  
24 issues in the same home that Mr. Hill lives in dealing with the  
25 chimney; correct?

1 A Yes. There was damage in his apartment with water damage  
2 on his wall and ceiling in his living room.

3 Q Did you call someone to get that fixed?

4 A Yeah, I did.

5 Q Do you recall what the name of that company was that you  
6 called to get that fixed?

7 A No, I can't recall the name of the company.

8 Q Do you recall how much you paid for getting it fixed,  
9 getting the chimney fixed?

10 A They put -- he found out that it had been -- are you  
11 talking about the first time before --

12 Q Yes, I'm talking about the first time that you got your  
13 home --

14 A Yeah, that was \$300 to get it fixed. I was trying to keep  
15 birds from going into the chimney.

16 Q Okay. And so you had a professional come out to get that  
17 fixed?

18 A Yes.

19 Q And was there an occasion that you had that same  
20 professional come back out to review it because of some issues  
21 that you stated?

22 A Yeah, there was another fireplace company that came out to  
23 take a look at it in January 30 of 2019.

24 Q Okay. And when they came out to fix it, did they tell you  
25 of anything that might have been happening in the home at the

1 time?

2 A Yeah, he said that he found out that all three flues of  
3 the chimney had been completely sealed off, and that means that  
4 my furnace and hot water heater was venting out through our  
5 apartments into -- he said that we would have had carbon  
6 monoxide coming into our apartments.

7 Q Okay. And do you recall what date that you had that  
8 particular professional come out and say that?

9 A January 30, 2019.

10 Q Okay. And Mr. Hill was -- and you do recall that Mr. Hill  
11 was arrested for indecent exposure in Martinsville, Virginia?

12 A Yes.

13 Q Okay. And do you recall what that date was?

14 A September 21, 2018.

15 Q Okay. Did Mr. Hill -- and do you recall Mr. Hill having a  
16 trial in Martinsville, Virginia?

17 A Uh-huh.

18 Q And were you present for that trial?

19 A Not the first trial. I was present for the trial in  
20 December, December 21, I think.

21 Q Okay. Did he get a chance to come home?

22 A No, he did not.

23 Q Okay. And do you recall the first time that Mr. Hill got  
24 a chance to come home after that particular -- after the first  
25 time he was arrested?

1 A He came home on May 14, 2019.

2 Q Okay. And did Mr. Hill -- do you recall if Mr. Hill went  
3 to the doctor any time in between that time?

4 A Yeah, he fell down one night. I guess he passed out and  
5 hit his head on a desk in his office and managed to somehow get  
6 back to his bedroom and fall asleep and whenever -- I set my  
7 alarm at 4:30 in the morning to check on him, check his blood  
8 sugar. I went down there. I saw all the blood on the pillow  
9 and realized something had happened, checked his blood sugar,  
10 treated an insulin reaction, and then I called 911 because I  
11 didn't know what had happened to him, and I saw that there was  
12 a gash above his eye. So the paramedics came out. They  
13 recommended for him to go to the hospital. He refused to go in  
14 the ambulance. So it took four hours for him to go through his  
15 OCD routines before I could get him to the emergency room.

16 Q Do you recall when that occurred, about the date when that  
17 occurred?

18 A That was during the winter, right after I first got the  
19 chimney fixed to keep birds from going into the chimney. It  
20 happened right after that.

21 Q Okay. And you stated that it took about four hours for  
22 you to get him to the hospital. I believe you mentioned OCD?

23 A Yeah, he has obsessive-compulsive disorder, and he does  
24 lengthy hand-washing routines and shower routines.

25 Q Okay. And how long has he been doing that?

1 A He's been doing that since he was in 6th grade.

2 Q Okay. And is Mr. -- has Mr. Hill been diagnosed with  
3 autism?

4 A Yes.

5 Q When was he diagnosed with autism?

6 A When he was four years old, he was diagnosed by Teacch in  
7 Greensboro.

8 Q And does he have -- and based on him being diagnosed with  
9 autism, do you have difficulty communicating with him?

10 A Yeah.

11 Q And what do you -- tell the -- can you tell the Court what  
12 that means for you and your family?

13 A Yeah, communication problems. Sometimes when I try to  
14 explain something to him, he doesn't quite understand what I'm  
15 saying, or he's unable to see my perspective, and sometimes he  
16 will get a little upset about it, which isn't unusual for  
17 people with autism. So I have to further explain things, or I  
18 have to be quiet and let him cool down --

19 Q Okay.

20 A -- before I can talk to him.

21 Q Does he get treatment for autism?

22 A No. There really -- when he was a kid, he was put on two  
23 or three different medications that never really helped him.  
24 So we had -- Teacch was coming out to help a little bit with  
25 the school, but other than that --

1 Q Does he get any treatment now for any mental health or  
2 autism now?

3 A No, not for the autism. He is going to a counselor.

4 Q Okay. And what does he go to the counselor for?

5 A He goes to Piedmont Counseling a couple times a month  
6 because that's what they wanted -- a condition of his bond.

7 Q And does he -- is he taking any medication at this time?

8 A Yeah, he's taking a medication to help with the OCD and  
9 anxiety. I think it's called Zoloft. I'm not sure.

10 Q Okay. That's okay.

11 And as far as -- you mentioned carbon monoxide. Is he  
12 taking any -- do you recall if he took any medication for the  
13 carbon monoxide treatment?

14 A No, no, he didn't. We didn't know until four months after  
15 he was arrested that we had carbon monoxide in our home.

16 Q Okay. And once you found out that you had carbon monoxide  
17 in your home, have that been treated in your home at this time?

18 A Yeah, we got it fixed. He unplugged the flue that went to  
19 the heater and the hot water heater, and he put a chimney cap  
20 on the top. So we don't have any more problems with that.

21 And, plus, we got two carbon monoxide detectors in my apartment  
22 and in his apartment.

23 Q Okay.

24 **MS. PRYOR:** I have no further questions, Your Honor.

25 **THE COURT:** Any examination from the Government?

1                   **MR. RAMASWAMY:** Yes, Your Honor.

2                                   CROSS-EXAMINATION

3 **BY MR. RAMASWAMY**

4 Q     Ms. Hill, you're pretty familiar with your son's case;  
5 correct?

6 A     Yes.

7 Q     He files things pretty frequently with the court?

8 A     Yes.

9 Q     Do you assist him with that?

10 A    No. That's his -- I'm not even into legal stuff. He's  
11 the one that works the legal information, other than I might  
12 look up information for him.

13 Q    You're saying you don't read what he files?

14 A    Sometimes, not all the time because sometimes he's  
15 impulsive, and he does it in the middle of night when I'm  
16 sleeping, so, no.

17 Q    Well, if he's filing things in the middle of the night,  
18 does he have Internet access?

19 A    No, he does not. He faxes.

20 Q    He faxes them?

21 A    Uh-huh.

22 Q    Some of these things are -- they're filed online, though,  
23 aren't they?

24 A    No.

25 Q    Are you familiar with his story that someone forced him to



1 take these pictures?

2 A Yes, I am.

3 Q That's a story that he repeated for some time, wasn't it?

4 A Yes.

5 Q And it's also in documents that he filed with the court,  
6 isn't it?

7 A Yes.

8 Q And at some other time, we have his story that carbon  
9 monoxide was to blame; correct?

10 A Right.

11 Q Does that coincide about when Mr. Hill found out there was  
12 a probation report on the same memory card?

13 A I don't know.

14 Q You live in the same house with Mr. Hill; correct?

15 A I'm in the apartment above his apartment.

16 Q It's a house?

17 A Yes, connected.

18 Q Yes. You live in the same house with Mr. Hill; correct?

19 A Yes.

20 Q And you claim -- or you're stating there was some type of  
21 carbon monoxide problem for which you're trying to relate  
22 Mr. Hill's conduct on September 21, 2018; right?

23 A Right. I saw some things with his behavior prior to that  
24 time, that I didn't know what was going on, but I thought that  
25 he was acting oddly. But, also, I was being exposed, too, and

1 I had some problems that I was dealing with, and I didn't  
2 understand what was going on.

3 Q So this wasn't fixed until, I believe you said,  
4 January 30, 2019; correct?

5 A That's whenever it was inspected and we found out about  
6 the problem, and he removed the tin, yes.

7 Q So from September 21, 2018, to January 30, 2019, if you  
8 had such a problem, nothing was done to fix it; right?

9 A Right.

10 **MR. RAMASWAMY:** No other questions.

11 **MS. PRYOR:** Just a follow-up.

12 REDIRECT EXAMINATION

13 **BY MS. PRYOR**

14 Q So from September of 21, 2019 -- I mean, 2018, to, I  
15 believe you said, January of 30 of 2019, did you see some  
16 problems in your home that was happening?

17 A Yeah. The water damage in my son's apartment got  
18 increasingly worse. The ceiling started falling down. I  
19 didn't know what was going on because my apartment is right  
20 above his, and I wasn't getting any water damage. So I thought  
21 initially it has to be the foundation. So I called the  
22 foundation place, and they could only come three months later.  
23 So I waited for that, and they said it's not the foundation.  
24 They thought maybe it's the chimney or the roof. I got a  
25 roofing company in. They recommended putting a chimney cricket

1 in front of the chimney. They thought that would stop it. So  
2 I got that done. That didn't stop it. So then I called a  
3 fireplace expert out to take a look at it, and he found out  
4 that it had been sealed up.

5 Q And also -- you mentioned that there was also some things  
6 that were affecting Mr. Hill during that time that you couldn't  
7 figure out. Can you describe some of those things for the  
8 Court?

9 A He was saying that he couldn't think, he couldn't focus,  
10 and he was extremely tired. I also was extremely tired, and I  
11 didn't know why. I was complaining to my parents. So both of  
12 us were complaining about things like not being able to think  
13 clearly.

14 Q Okay.

15 **MS. PRYOR:** No further questions, Your Honor.

16 **MR. RAMASWAMY:** One follow-up.

17 **REXCROSS-EXAMINATION**

18 **BY MR. RAMASWAMY**

19 Q Would those things happen more often when you were inside  
20 the home with the carbon monoxide?

21 A Yes.

22 Q You've heard the testimony about the conduct; correct?

23 A Yes.

24 Q That happened outside, didn't it?

25 A Yes, but, I mean, I was always tired for that period of

1 time. So, I mean -- and my son was constantly complaining  
2 about not being able to think. I can't really say that that  
3 was inside the house or outside the house. It was just  
4 continually during that time span that we were having problems.

5 Q As a matter of fact, the testimony showed, based on the  
6 camera card time, he was outside for several hours on  
7 September 21, doesn't it?

8 A Yeah.

9 Q That's not consistent with inhaling carbon monoxide, is  
10 it?

11 A Well, from what I've read online, it can cause a lot of  
12 different problems. That can -- it could affect your  
13 neurological system. I also was having a lot of head shaking  
14 going on. My parents noticed that. So it can affect  
15 neurological problems in the body.

16 **MR. RAMASWAMY:** No other questions.

17 **THE COURT:** All right. You may step down.

18 (At 4:51 p.m., witness excused.)

19 **MS. PRYOR:** No further evidence, Your Honor.

20 **THE COURT:** Since the Government's got the burden  
21 here, I would be happy to hear from the Government.

22 **MR. RAMASWAMY:** Your Honor, in this case, the  
23 violation is the Defendant committed the criminal violation of  
24 the Virginia Code for indecent exposure. I have given the  
25 Court the statute, but, here, if it had only been the phone

1 call and the arrest, that's one thing, but we have a series of  
2 photographs which are just plainly inexplicable.

3 As to the violation itself --

4 **THE COURT:** Let me ask a question about the  
5 photographs. They are taken from a distance. How does  
6 somebody take a photograph from a distance like that?

7 **MR. RAMASWAMY:** I would ask the Court to note a  
8 couple of things. One is the officer's testimony about  
9 flashlights. He had two flashlights. And, second, in the  
10 vantage point of the photographs themselves, note the proximity  
11 of the ground, and it would be our contention the camera is  
12 simply set on the ground and a timer is used. As a matter of  
13 fact, some of them appear to be retakes. Where Government's  
14 Exhibit 1, for instance, the top right photo, sanyo096, is too  
15 dark, the next photograph in sequence sanyo097 is well lit. In  
16 effect, it supports the inference that he repositioned the  
17 lights in order to more clearly take the photographs.

18 There's no one else depicted in these photographs.  
19 In every one of them, they appear to be taken with the camera  
20 set on the ground.

21 **THE COURT:** All right.

22 **MR. RAMASWAMY:** In this case, as to the conduct  
23 itself -- I'm not at this point addressing anything else -- two  
24 things. His initial story is clearly impossible, that someone  
25 gave him a camera and told him to take these pictures under

1 threat of his family, the fact that his violation -- his report  
2 to his probation officer is found on the same memory card with  
3 him being shown as the author, the conduct for a registered sex  
4 offender convicted of child pornography offenses to be naked,  
5 not just exposing himself -- this would be a different matter  
6 if Mr. Hill had simply been walking and chose to relieve  
7 himself and could have technically violated the statute, but  
8 Mr. Hill was wearing socks, sandals, and a hat, and that's all.

9           As shown on Government's Exhibit 7, the map with the  
10 annotations, the photographs are taken some distance away, not  
11 only from his residence, but where he was observed and reported  
12 to the police naked and where he's arrested, that the duration  
13 of the conduct, the nature of the conduct, photographing the  
14 conduct for whatever reason all support the violation. We  
15 would ask that he be found in violation.

16           **THE COURT:** All right.

17           Ms. Pryor?

18           **MS. PRYOR:** Thank you, Your Honor.

19           Your Honor, we, of course, would ask that he does not  
20 be found in violation, Your Honor. As you've had the  
21 opportunity to hear, Your Honor, the statute does indeed state  
22 that every person who intentionally makes an obscene display or  
23 exposure of his person shall be found guilty of a Class 1  
24 misdemeanor.

25           Your Honor, I believe that we presented evidence here

1 today that would discredit the intent of the party, or the  
2 intent of Mr. Hill. One of the elements that we are faced here  
3 with is the intent element here. Your Honor, I believe that  
4 the Government, one, has not provided the intent and, two, that  
5 this Court has the opportunity to determine the facts that were  
6 presented today to determine whether the intention of the party  
7 was to make an obscene display or expose himself -- exposure of  
8 himself.

9           Your Honor, you had the opportunity to hear from his  
10 mother, who stated that at the time of this incident that there  
11 has been evidence that there was some carbon monoxide that had  
12 been displayed in their home, and based on that, Your Honor,  
13 she went further to state that in her research, Your Honor,  
14 when it comes to carbon monoxide, that based on that research,  
15 that it does causes some level of delusion, some level of --  
16 they even talked about -- she even discussed possibly that they  
17 were beginning to have some headaches, that there were some  
18 things that --

19           **THE COURT:** How do I rely on that in this hearing?  
20 That's hearsay, and it's --

21           **MS. PRYOR:** It is hearsay.

22           **THE COURT:** I mean, it's not -- it's scientific  
23 evidence, and there's no indication she's qualified to -- I  
24 don't even know what her source was, whether it was Wikipedia  
25 or what have you. So I am concerned about whether there's

1 enough scientific foundation for any conclusions about the  
2 effect of carbon monoxide.

3           **MS. PRYOR:** Your Honor, we do understand that, Your  
4 Honor, but the factual part of what she did state was the  
5 things that affected her, Your Honor, and the things that she  
6 did, who has been his caretaker -- the things she saw affect  
7 him.

8           So, Your Honor, we would state that there was some  
9 level of affect that was going on that can be determined just  
10 to Mr. Hill presently, Your Honor, that would show some level,  
11 and then to actually have the evidence that there was some  
12 carbon monoxide and to begin to start the process of fixing it.

13           So, Your Honor, we would state that Mr. Hill, based  
14 even on this -- based on this statute, that the intent factor  
15 has not been met here today, Your Honor, and that he should not  
16 be found in violation of his release conditions, Your Honor.

17           **THE COURT:** Okay. I am going to find that the  
18 preponderance of the evidence demonstrates that Mr. Hill did  
19 violate the condition of release by violating the Virginia Code  
20 18.2-387. As the officer testified, it's actually the local  
21 version, but it's apparently the same statute, and that's what  
22 he's charged with in that he did intentionally expose himself  
23 and make an intentional either obscene display and actually  
24 exposure -- intentional exposure of his person. The  
25 photographs are evidence of that.



1           He's also seen, by the officer's independent  
2 testimony, to have been naked at the time and was running  
3 around the neighborhood. So I credit the testimony of Sergeant  
4 Jones and find him to be credible and that about September 21,  
5 2018, that the Defendant was naked and running around  
6 Martinsville, Virginia, taking pictures, which are indicated in  
7 the Government's exhibits.

8           As to the testimony about intent -- or the argument  
9 about intent, the evidence on a preponderance basis  
10 demonstrates that Mr. Hill intended to do this. The story  
11 about him being forced to do this by another individual finds  
12 no support in the record. It's also inconsistent with some of  
13 the information that's testified to by Sergeant Jones, who -- I  
14 went back and was just checking his testimony, who did say that  
15 the other individual, the male, asked him to -- or demanded he  
16 take pictures. There's no testimony by anybody that there was  
17 any kind of threat like that made, and the camera that  
18 allegedly was given to Mr. Hill to take these photos, it  
19 strikes me as virtually impossible that it would contain a copy  
20 of the Defendant's own court records. So that's inconsistent  
21 with that story as well.

22           So I'm going to find the preponderance of the  
23 evidence demonstrates the Defendant violated Virginia law by  
24 indecently exposing himself at the time alleged. So I'm going  
25 to find as well that the violation was willful and without

1 lawful excuse.

2 He originally was convicted of a Class C felony.

3 He's a Criminal History Category I. This is a Class C  
4 violation. The guidelines provide a 3- to 9-month advisory  
5 imprisonment range. The most that can be imposed on him is 24  
6 months.

7 As to supervised release, the original term of  
8 supervised release available under the statute is, I believe, 5  
9 years to life. He had had 10 years of supervised release  
10 imposed by Judge Osteen, but the term that's available could be  
11 5 years to life under the statute.

12 I will say it would be my intention to work off the  
13 10 years and work -- and consider nothing more than the 10  
14 years that Judge Osteen -- that's the maximum that I would  
15 consider for supervision. Does that make that clear?

16 **MS. PRYOR:** Thank you, Your Honor.

17 **THE COURT:** That would be my intention, but I would  
18 be glad to hear from you all as to that.

19 So do you agree or disagree that those are the proper  
20 guidelines?

21 **MS. PRYOR:** That was the proper guidelines, Your  
22 Honor.

23 **THE COURT:** Mr. Ramaswamy?

24 **MR. RAMASWAMY:** Yes, Your Honor.

25 **THE COURT:** So I've got about 10 minutes, and we can

1 continue this, if we need to, in the morning or on another  
2 date. I would be happy to hear from you as to an appropriate  
3 disposition in this case.

4 **MS. PRYOR:** Thank you so much, Your Honor.

5 Your Honor, today we are asking Your Honor -- I would  
6 note, and I think you heard on testimony as well, that Mr. Hill  
7 was on a federal detainer. I believe it began on December --  
8 we tried to come to a date about, but I believe it was around  
9 December 21 of 2018, and he was held into custody until May 14  
10 of '19. So, Your Honor, that's give or take about 6 months  
11 already.

12 This violation, as you note from the guidelines, Your  
13 Honor, is a -- falls within that period of time, Your Honor. I  
14 believe 6 months is, I believe, in the revocation that they  
15 were asking for. It was around the middle, which would put us  
16 right at that 6-month period.

17 Your Honor, we would ask that you would give him  
18 credit for time served for that particular time, to continue  
19 him on supervised probation that you've -- I mean, I'm sorry,  
20 supervised release, Your Honor, pending that, but, Your Honor,  
21 I do believe that he has served and he was -- as we can recall,  
22 he was on that detainer, Your Honor. He could not leave, of  
23 course, or if he even -- with the bond. So we can conclude  
24 that he definitely was on a federal detainer at that time. He  
25 did get released on conditions from the Virginia -- from

1 Virginia, and so that would also conclude that he did have that  
2 time and it was through the Federal Government.

3 **THE COURT:** Will the Bureau of Prisons give him  
4 credit for the time that he was sent to Butner as time-served  
5 credit or not?

6 **MS. PRYOR:** I'm not sure, Your Honor. I actually  
7 called the Bureau of Prisons before so I could know that  
8 answer. That was actually my question as well. Your Honor,  
9 I'm not sure how that process works, and I was waiting on  
10 someone to call me back from the Bureau of Prisons. And I  
11 believe the attorney was supposed to call me back in order to  
12 conclude that or give us an estimation of whether the Bureau  
13 does consider time when you're determining competency, whether  
14 that time is conclusive or does it even give them credit for  
15 that when it comes to a sentencing term.

16 So, Your Honor, I don't have that answer. I would  
17 like to, of course, get that answer, Your Honor, because as I'm  
18 standing here asking for you to use it as credit, I can't  
19 factually or be able to --

20 **THE COURT:** I understand.

21 **MS. PRYOR:** Okay. Thank you.

22 **THE COURT:** Anything further?

23 **MS. PRYOR:** So, Your Honor, I would ask -- of course,  
24 that is the sentence that they have requested, but, Your Honor,  
25 we would ask the Court for the bottom of the guidelines, Your

1 Honor.

2 I would remind the Court that he does have autism. I  
3 remind the Court that he has OCD. I remind the Court that he  
4 does have some debilitating health issues that he does have  
5 that deals with his diabetes.

6 Your Honor, Mr. Hill in custody or in prison is very  
7 destruction to him as a person, who does see things and  
8 perceive things, of course, differently than we do as being on  
9 the autism spectrum.

10 **THE COURT:** Is he still in custody now?

11 **MS. PRYOR:** He is not in custody now.

12 **THE COURT:** He was released May 14?

13 **MS. PRYOR:** He was, Your Honor.

14 **THE COURT:** From Butner?

15 **MS. PRYOR:** No, he was released from court, Your  
16 Honor. He actually got out of Butner I believe it was around  
17 February, and then he was -- then he went back to court, and  
18 then he was released on conditions.

19 **THE COURT:** So he was released from Butner in  
20 February?

21 **MS. PRYOR:** He was released from Butner in February.  
22 They sent him to another custody situation, I guess, just in  
23 the process, and some things -- and this is why I bring this  
24 up, too. Because of his autism, he has some issues in the jail  
25 with one of the wards, and they were supposed to send him back

1 directly after, but they put him in some level of solitary in  
2 another jail.

3 All in all, he didn't get back, of course, until  
4 May 14, and so that's why I stand here and ask for the credit,  
5 because I would hope that the Court would -- and I say that  
6 because we do understand that you've made that he has violated  
7 this, and based on that, there is a punishment that must go  
8 with it; but, Your Honor, I would state because of his  
9 condition and because of OCD and because of autism, the courts  
10 and BOP, having to learn to deal with someone with autism, I  
11 don't believe that they are there yet, which makes it difficult  
12 on the person. And because of -- you know, because of that,  
13 Your Honor, I would ask that if you do find that you want to  
14 sentence him, there are some other alternative ways of  
15 sentencing him. He's been successful, as you heard from his  
16 probation officer, being at home, home detention where he  
17 cannot leave --

18 **THE COURT:** Before you go on further, let me just see  
19 what the Government's position is, but I don't know if they're  
20 opposing. He's essentially been incarcerated now for close to  
21 6 months, in some form or another.

22 Are you opposing some kind of sentence that would be  
23 in effect a time-served sentence?

24 **MR. RAMASWAMY:** Yes, Your Honor.

25 **THE COURT:** Okay.

1           **MS. PRYOR:** And so, Your Honor, there are some other  
2 alternative ways of doing prison -- or doing punishment. As  
3 you heard, Mr. Hill has been successful with being at home. He  
4 can be placed on home detention. He can have an electronic  
5 monitor. He can be placed on home detention for up to 6  
6 months, even up to a year, if Your Honor so requires.

7           Him being at home, he has the opportunity to -- I  
8 mean, he won't have the opportunity to leave. His family does  
9 travel, and they do enjoy traveling. He won't have the  
10 opportunity to travel, some of the things that he takes -- some  
11 of the things that he enjoys doing.

12           Your Honor can also make it any other conditions  
13 that, of course, Your Honor would provide, but, Your Honor, I  
14 would ask because of what he -- because he's been successful  
15 through his probation of showing that he is consistent about  
16 sending his report, he's consistent about contacting them, he's  
17 consistent about making sure that they know where he is at all  
18 times, he's consistent about being respectful to the officer,  
19 so I would state that having him at home with his family and  
20 even if -- like I say, even if it's more closed in where he  
21 cannot leave the home I think would still satisfy the  
22 punishment that is here.

23           As you heard, he does -- I believe they stated that  
24 he walks that trail even during the daytime. So he does enjoy  
25 going outdoors. So having the -- where the Court would tell

1 him he could not go outdoors anymore is a punishment as well.

2           So, Your Honor, I do believe that you can satisfy the  
3 factors here of the condition of him being at home on  
4 detention. Whether 6 months to a year, you can satisfy the  
5 condition of whether it would be a deterrence because, as you  
6 note, Mr. Hill does like to travel with his family. So that is  
7 the deterrence, that he won't be able to travel.

8           And being with his autism, his mindset and what he  
9 thinks is differently than what it is for us or any other  
10 prisoner that we could sentence to custody. His punishment is  
11 just the violation, being sentenced to -- him being violated.  
12 That's the difference of the sentence that he gets here today.

13           So, Your Honor, I would just ask that you would  
14 consider those other alternative ways of punishment today and  
15 that you would sentence him within the guidelines but through  
16 alternatives ways of doing it.

17           **THE COURT:** All right.

18           **MS. PRYOR:** Thank you.

19           **THE COURT:** All right. Mr. Ramaswamy?

20           **MR. RAMASWAMY:** Your Honor, I don't wish to  
21 prolong -- I don't wish to speak so long that the Court is  
22 going to miss any deadlines.

23           **THE COURT:** Well, how long do you want to speak?  
24 What is it the Government's arguing for?

25           **MR. RAMASWAMY:** I would first say that the Defendant



1 is a registered sex offender who spent at least three hours out  
2 that night naked, photographing himself for some unknown  
3 reason. And the Court has also heard testimony that there were  
4 other reports of a naked man in a stocking cap, and he's shown  
5 wearing a stocking cap prior to this, and that there were no  
6 such reports after Mr. Hill's arrest.

7           This is not Mr. Hill's first violation. He was not  
8 revoked last time, and I'm not saying that would have been  
9 appropriate; but on these facts, it is completely appropriate.  
10 The probation officer is recommending the high end here. Under  
11 the Chapter 7 limits and not going into Protect Act, I would  
12 concur with that. I would ask the Court to sentence him to the  
13 9 months. I don't know if whatever time he spent in the  
14 evaluation counts. I can't say.

15           **THE COURT:** Should I take that into account? I mean,  
16 he was essentially locked up for 6 months.

17           **MR. RAMASWAMY:** Yes. I'm not saying it's not  
18 appropriate that the Court take it into account, but I don't  
19 think simply telling Mr. Hill to stay at home and make him wear  
20 a monitor -- he's proven he can't self-regulate. He's  
21 consistently denied the offense conduct of the original  
22 offense, of the other violation. It's always some nefarious,  
23 outside force that makes Mr. Hill do things, now from someone  
24 handing him a camera until, here, carbon monoxide. Mr. Hill  
25 has consistently shown he doesn't take responsibility for what

1 he does, and he's inappropriate to trust in the form of  
2 self-regulation.

3 **THE COURT:** What role does his autism play in all of  
4 this?

5 **MR. RAMASWAMY:** I think we're all familiar with  
6 what's in the reports as to his mental state. More than the  
7 autism, there is the diagnosis of delusional disorder. That is  
8 in his prior records. I think the Court has dealt with persons  
9 with autism before, and that's a larger topic to get into than  
10 here. I think we've all been considerate. The Government, the  
11 Court, the Court in the original case, counsel has been  
12 considerate of the Defendant's mental condition, but on this  
13 conduct, there is an overriding concern of public safety.

14 Even at the high end of what's recommended, it's  
15 likely lower than someone without Mr. Hill's condition would  
16 have gotten on these facts.

17 **THE COURT:** So what's the punishment for this in  
18 Virginia? He's been convicted. What has he been sentenced to?  
19 Do you know?

20 **MR. RAMASWAMY:** I don't know what the original  
21 sentence was.

22 **THE COURT:** Ms. Pryor probably knows. What was his  
23 sentence?

24 **MS. PRYOR:** Your Honor, he was given credit for  
25 time -- he was given credit for time served. I believe it was

1 a 60-day sentence, Your Honor, because it's less than a year.

2 **THE COURT:** Okay. Was that in addition to the 6  
3 months he was in federal custody?

4 **MS. PRYOR:** No, that was not, Your Honor.

5 **THE COURT:** All right.

6 **MR. RAMASWAMY:** Thank you, Your Honor.

7 **THE COURT:** Mr. Hill, is there anything you would  
8 like to say on your own behalf before I make a decision as to a  
9 disposition of your case? Let me say to you that you have no  
10 obligation to speak. You enjoy the right to remain silent  
11 under our Constitution. If you wish to remain silent, I will  
12 not hold that against you. On the other hand, if you would  
13 like to say anything before I make a decision, this would be  
14 the right time.

15 **THE DEFENDANT:** Respectfully, yes, I do, Your Honor.  
16 I would like to bring up that I have been involved in a 2255  
17 motion since 2017. If I have to admit guilt to something I did  
18 not do, I would be committing over five acts of perjury. So am  
19 I going to be required by the probation office to commits acts  
20 of perjury, because I kept saying under penalty of perjury, I'm  
21 innocent? I filed something that the guilty plea cannot be  
22 valid if I withdrew it. The 2255 is still pending before  
23 this Court, and to force me to admit guilt to something I did  
24 not do is detrimental and puts me at risk of multiple perjury  
25 charges.

1           And the carbon monoxide -- I have a lot of proof,  
2 Your Honor. I've got sinus tachycardia. I've got abnormal red  
3 blood cell count, abnormal white blood cell count. All these  
4 are in medical records, and the National Institute of Health --  
5 my mom has documents from the National Institute of Health and  
6 government agencies saying that carbon monoxide can be linked  
7 to all kinds of problems that I had had last year, like  
8 psychosis and hallucinations. And I have credible government  
9 documents that all backs up everything I'm saying. That's why  
10 I sent a letter to Martinsville Police Department on the  
11 conduct, apologizing and saying that, look, carbon monoxide  
12 caused this.

13           There might be a guy in a hoodie. There was a  
14 threatening greeting card that my mother did receive that said  
15 they will do a controlled action against my mother if she  
16 doesn't stop putting stuff on YouTube. If she doesn't stop  
17 what she's doing, they're going to commit a controlled action  
18 against her. That was July 2018.

19           Your Honor, there's a lot more evidence that couldn't  
20 be presented at this hearing. We needed more time. That's why  
21 I filed the notice of interlocutory appeal. We would have had  
22 witnesses to come and testify. We need more time, and I need  
23 to go through the state appeal because I am actually innocent.  
24 According to my lawyer, Scott Albrecht, the public defender of  
25 Martinsville, he said, you are innocent because you did not

1 engage in obscene-type conduct. And that means, you know, I  
2 never masturbated. I never did anything sexual. I was just  
3 naked. So he said that I am legally innocent under the  
4 Commonwealth of Virginia. That's why I'm appealing it so that  
5 I could be found actually innocent, and I plan to file a motion  
6 for the writ of actual innocence in Virginia. Even though it's  
7 normally sent to -- you know, felonies, I'm going to try to  
8 push for it, and I'm going to ask the Attorney General to have  
9 me found actually innocent because I am actually innocent.

10 **THE COURT:** All right, sir.

11 Can I speak to the probation officers briefly,  
12 please?

13 (Off-the-record discussion.)

14 **THE COURT:** All right. I've already found by the  
15 preponderance of the evidence that the Defendant violated the  
16 valid conditions of his supervised release, and the violation  
17 was willful and without lawful excuse. I'm going to order that  
18 the supervised release term be revoked.

19 I've considered the factors under 3553(a) that apply  
20 under 3583(e) in this case, and one of the factors is the  
21 nature and circumstances of the offense. Here, the Defendant  
22 was exposing himself throughout the city of Martinsville, and  
23 the photos are part of the record in this case, which indicate  
24 how he exposed himself, which is proof of the exposure, which I  
25 found to be a violation of the indecent exposure law in

1 Virginia.

2 Another factor is the history and characteristics of  
3 the Defendant. I've considered the multiple factors here  
4 indicated, including the Defendant's autism and his OCD, the  
5 diabetes, his age.

6 And I'm concerned about deterrence because this is  
7 the second hearing we've had on revocation. The exposure in  
8 this case was intentional and purposeful. There's really no  
9 way to explain otherwise. He's running around naked, taking  
10 pictures of himself and posing for the pictures of his  
11 genitals, and he's doing it in the open in the public. How he  
12 would have thought he'd never have been caught by this is kind  
13 of hard to fathom, but maybe because it's 3:00 in the morning.

14 I'm trying to take into account and give heavy  
15 deference to the fact that I know he has autism. On the other  
16 hand, he's extremely articulate in his various filings with the  
17 court and his allocution. Mr. Hill is very capable of  
18 explaining things. It may not always be rational, but he's  
19 capable of explaining things. So I am trying to distance all  
20 of that.

21 In this case, I'm taking into account the fact that  
22 he's been in federal custody since December 21st.

23 **MS. PRYOR:** Yes, Your Honor.

24 **THE COURT:** I'm going to impose the 9 months. That's  
25 within the guideline range that the probation office has

1 recommended. That is the high end of the guidelines.

2 As a practical matter, that's, I think, 3 months from  
3 now, roughly 3 months from now, because I am anticipating that  
4 he should be getting credit for all of his time since  
5 December 21st because he's been in federal custody. Whether  
6 he's been at Butner being evaluated or wherever he was, he was  
7 in still in federal custody.

8 So my sentence of 9 months is under the understanding  
9 that he's getting credit for his time since December 21. It's  
10 also acknowledging that he's been in state custody before that  
11 and was punished in state custody, but the violations of  
12 supervised release, generally speaking, run consecutive to  
13 state punishment. And in this case, I think that's an  
14 appropriate punishment.

15 The willfulness of this violation is what still  
16 strikes me. Even though I know he's autistic and he has  
17 issues, it's hard to deny the willful, intentional conduct  
18 here.

19 So I'm going to order that Mr. Hill be committed to  
20 the custody of the United States Bureau of Prisons for 9  
21 months. As I've said, that's with the intention that that  
22 would essentially be running from December 21, 2018, to the  
23 present because he would be getting federal credit for that  
24 time.

25 I am going to reimpose 9 years of supervision in this

1 case under the same terms and conditions already disclosed in  
2 this case.

3 All right?

4 **MS. PRYOR:** Your Honor, I do have a question. If the  
5 attorney or -- once they do return my call, if they do not give  
6 him credit for that 5 months that he was in custody, is that  
7 still Your Honor's position?

8 **THE COURT:** No. My belief is he should get that  
9 credit. So my sentence is based on the understanding that he  
10 will be getting credit since then. What I guess I would tell  
11 you is it will take me a few days to get the judgment prepared.

12 **MS. PRYOR:** Yes, Your Honor.

13 **THE COURT:** I would encourage you to check with the  
14 Bureau of Prisons and be sure about that. If that's a problem,  
15 let me know, and under Rule 35, I think it is, I will regard  
16 that to be a mistake in fact.

17 **MS. PRYOR:** That's correct.

18 **THE COURT:** Unless there is an objection by the  
19 parties, I would consider making that change to reflect that.

20 **MS. PRYOR:** Thank you, sir.

21 **THE COURT:** Anything else? Have you had an  
22 opportunity speak -- oh, is he in custody now?

23 **MS. PRYOR:** He is not in custody, Your Honor.

24 **THE COURT:** He's been out of custody at the present  
25 time. Is this a case where he can self-report, and is there



1 any objection?

2           **MS. PRYOR:** Your Honor, that would be my request,  
3 Your Honor. His family did come all the way from Martinsville,  
4 Virginia, and the probation officer and him have a great, great  
5 relationship.

6           **THE COURT:** Let me ask: Is there any objection to  
7 self-reporting?

8           **MR. RAMASWAMY:** For the Government, I do oppose it,  
9 Your Honor. I understand Probation's position, if I'm not  
10 mistaken, is he be allowed to self-report.

11           **THE COURT:** What is the Probation's view?

12           **THE PROBATION OFFICER:** Your Honor, he's followed  
13 instructions thus far. I don't see why he wouldn't now.

14           **THE COURT:** Is he on location monitoring?

15           **THE PROBATION OFFICER:** No, sir, not at the present  
16 time.

17           **MS. PRYOR:** Your Honor, we have no objection to him  
18 being on location monitoring, but I would ask that he does  
19 self-report. He's never had an issue with Probation.

20           **THE COURT:** I'm -- given the myriad of factors in  
21 this case -- he's still living with his mother; right?

22           **MS. PRYOR:** He does.

23           **THE COURT:** I'm going to find he's not likely to flee  
24 or pose a danger to the community under circumstances where  
25 he's on GPS monitoring. So I'm going to add a condition to his

1 supervision that he be given GPS location monitoring, and he  
2 can self-report then.

3 Do I have a date, Ms. Engle?

4 **MS. PRYOR:** Your Honor, this might be a stretch to  
5 ask, but I believe his next court date is December 3. I was  
6 wondering, Your Honor -- it's really important to him that he  
7 be able to attend that hearing -- if it could be a date after  
8 December 3 to report.

9 **THE COURT:** Any objection?

10 **MR. RAMASWAMY:** Your Honor --

11 **THE COURT:** It's going to take Bureau of Prisons 6 or  
12 8 weeks at a minimum.

13 **MS. PRYOR:** It does, Your Honor.

14 **THE COURT:** So we'll be into November.

15 **MR. RAMASWAMY:** Given the conduct, the Government  
16 does not consent to that.

17 **THE COURT:** Okay.

18 **THE PROBATION OFFICER:** Your Honor, just as a matter  
19 of logistics, if he were to be released to location monitoring  
20 technology, that technology should be installed immediately.  
21 We would request a -- that the Court agree to a short delay of  
22 the installation of that, just given the logistics of him  
23 traveling back to the Western District of Virginia and the  
24 Western District of Virginia installing their equipment.

25 **THE COURT:** How many days would you like before?

1           **THE PROBATION OFFICER:** Your Honor, I think we can  
2 take care of that Monday.

3           **THE COURT:** So you can add that to the condition,  
4 that within 7 days that it be placed at the discretion of  
5 Probation. How about that? Does that work?

6           **THE PROBATION OFFICER:** Thank you, Your Honor.

7           **THE COURT:** All right. So as long as he's on  
8 location monitoring, I'll set it for Friday, December 6, noon,  
9 report to the U.S. Marshal in Greensboro, if he hasn't received  
10 a designation.

11           **THE PROBATION OFFICER:** I apologize, Your Honor.  
12 Just for further clarification, is that a home incarceration or  
13 a curfew? He would need to be placed under one of the three  
14 programs as well.

15           **THE COURT:** Is there a recommendation?

16           **THE CLERK:** Is it a revision? An order of release or  
17 a condition of his supervision?

18           **THE COURT:** Well, I don't know -- we'll figure out  
19 that in a minute.

20           **THE PROBATION OFFICER:** I would simply recommend at  
21 least a curfew. With GPS, you can order a curfew that's  
22 restrictive enough to monitor his whereabouts throughout the  
23 day.

24           **THE COURT:** Okay. That's a -- the case manager  
25 raised a good question. This is actually not a condition of

1 supervision. I think this is going to be a release condition  
2 so he can remain on his own. So the magistrate judge's order  
3 on release will be modified to add a condition for location  
4 monitoring. You think home -- a curfew is sufficient?

5 **THE PROBATION OFFICER:** Your Honor, I believe a  
6 curfew that's at the discretion of the probation officer would  
7 be --

8 **THE COURT:** I will add a curfew at the discretion of  
9 Probation. Probation is doing an excellent job of working with  
10 Mr. Hill. I just want to make sure that he's in at night.

11 **MS. PRYOR:** Yes, Your Honor.

12 **THE COURT:** All right. I don't want him running  
13 around naked anymore anywhere.

14 **MS. PRYOR:** Yes, Your Honor.

15 **THE COURT:** Does that address all those issues?

16 **MS. PRYOR:** It does, Your Honor.

17 **THE COURT:** Ms. Pryor, let me know right away if you  
18 hear otherwise.

19 **MS. PRYOR:** I will, yes, sir.

20 **THE COURT:** Because the judgment will be issued here  
21 shortly.

22 Have you had an opportunity to speak with Mr. Hill  
23 about any appellate rights he may have?

24 **MS. PRYOR:** I have, Your Honor. He would like to  
25 file his notice of appeal.

1           **THE COURT:** For the record, just so that I've advised  
2 him, make sure he's aware, if he does want to file a notice of  
3 appeal, he must do so in writing within 14 days of the entry of  
4 the Court's judgment. If he cannot afford the cost of his  
5 appeal, he can ask the Fourth Circuit to waive the cost.

6           If you want to file the notice of appeal -- I haven't  
7 entered a written judgment yet, but it only has to be entered  
8 within 14 days of the written judgment.

9           **MS. PRYOR:** I understand. Thank you, Your Honor.

10          **THE COURT:** Ms. Hill, please keep an eye on your son.  
11 I hope there won't be any problems between now and whenever he  
12 gets a reporting date so that we don't have any further issues.  
13 Okay.

14          **MS. PRYOR:** Thank you so much, Your Honor.

15          **THE COURT:** Good luck. I know it's a challenge.  
16 All right. Anything further?

17          **MR. RAMASWAMY:** No, Your Honor.

18          **THE COURT:** All right. Please adjourn Court.

19          (END OF PROCEEDINGS AT 5:35 P.M.)

20

21                               \*\*\*\*\*

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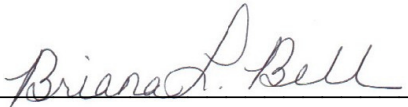
1 UNITED STATES DISTRICT COURT

2 MIDDLE DISTRICT OF NORTH CAROLINA

3 CERTIFICATE OF REPORTER

4  
5  
6 I, Briana L. Bell, Official Court Reporter, certify  
7 that the foregoing transcript is a true and correct transcript  
8 of the proceedings in the above-entitled matter.

9  
10 Dated this 4th day of November 2019.

11  
12  
13   
14 Briana L. Bell, RPR  
15 Official Court Reporter  
16  
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# **EXHIBIT 22: Witness Letter from Pete Compton; ACE Chimney business & Wildlife, dated: June 13, 2019 for**

attached to: "MOTION FOR JUDGMENT OF ACQUITTAL  
OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED  
UPON NEW EVIDENCE WHICH DISPROVES THE  
ELEMENTS OF CHARGED CRIME BY PROSECUTION,  
EVIDENCE WARRANTING NEW TRIAL OR  
ACQUITTAL"

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville,  
Virginia

Ally of Q, Former news reporter of USWGO Alternative News  
JUSTICEFORUSWGO.WORDPRESS.COM





## To Whom This May Concern:

On January 30, 2019 I went to the house at 310 Forest St., Martinsville, Va 24112 to measure and give a price for a Chimney cover. Roberta Hill and her parents: Ken & Stella Forinash escorted me to Apt 1 to show me the fireplace which had a small amount of white residue inside, no damage to the ceiling and wall around the fireplace. They then escorted me downstairs to Apt 2 where parts of the ceiling above the fireplace had fallen and there was a lot of damage in the remaining ceiling below the hearth of the fireplace in apt 1 located above apt 2 and a lot of damage along the wall in apt 2 above and on both sides of the fireplace as well as a lot of white residue inside of the fireplace. After this, we went down another flight of stairs to the basement where the gas boiler heater and the gas hot water heater were located to show me that there would be 3 holes in the chimney.

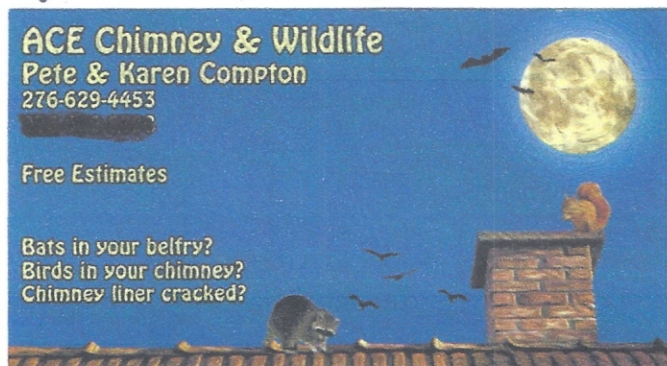
I then went outside and got my ladder to measure the chimney. This was when I found out that all 3 holes were covered with tin. Knowing that the gas boiler heater & gas hot water heater needed to be vented at all times, I immediately removed the tin covering the hole so carbon monoxide would no longer go through the house. Ms Hill had informed me that she had called a chimney sweep in Rocky Mount, VA in October, 2017 to clean the chimney and to put screen on all holes after the family spotted birds going into their fireplace the year before. In my 25 years of doing this type of work, this was the first time I have ever seen tin covering holes where it is important to vent gas heaters. I showed the family the tin I had just removed and had them to climb my ladder to look at the chimney. We then went back in the house, and I informed them that the white residue inside both fireplaces was from the gas that had no other place to escape and informed them that they had been exposed to carbon monoxide poisoning, but now that the tin had been removed, there should no longer be any problems. I returned to the house on February 4, 2019 and installed a stainless steel multifaceted chimney cap vented with screen on all 4 sides. GA  
FA

Signed as a witness on this date: Kenneth R. Forinash 6-13-19

Pete Compton # 6-13-19

Pete Compton ACE Chimney & Wildlife; Bassett, VA

Phone 276-629-4453





**EXHIBIT 23: JUNE 21, 2019 DECLARATION  
OF BRIAN DAVID HILL IN OPPOSITION TO  
GOVERNMENT'S/RESPONDENT'S  
DOCUMENTS #156, #157, AND #158 - Case  
1:13-cr-00435-TDS, Document 179, Filed  
06/24/19, 28 Pages  
for**

attached to: "MOTION FOR JUDGMENT OF ACQUITTAL  
OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED  
UPON NEW EVIDENCE WHICH DISPROVES THE  
ELEMENTS OF CHARGED CRIME BY PROSECUTION,  
EVIDENCE WARRANTING NEW TRIAL OR  
ACQUITTAL"  
by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville,  
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Ally of Q, Former news reporter of USWGO Alternative News  
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In the United States District Court  
For the Middle District of North Carolina

<p><b>Brian David Hill,</b> <b>Petitioner/Defendant</b></p> <p style="text-align: center;"><b>v.</b></p> <p><b>United States of America,</b> <b>Respondent/Plaintiff</b></p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p><b>Criminal Action No. 1:13-CR-435-1</b></p> <p><b>Civil Action No. 1:17-CV-1036</b></p>
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**JUNE 21, 2019 DECLARATION OF BRIAN DAVID HILL IN OPPOSITION  
TO GOVERNMENT'S/RESPONDENT'S DOCUMENTS #156, #157, AND  
#158**

NOW COMES the Petitioner, by and through Brian David Hill ("Brian D. Hill"), "Petitioner", "Brian", or "Hill"), that is acting pro se and is proceeding pro se before this Honorable Court in the Middle District of North Carolina, and hereby respectfully moves to report evidence and this Declaration to the United States District Court which can affect the outcome of the Supervised Release Violation ("SRV") charges in Documents #156, #157, and #158, in this criminal case. Evidence is attached below to this pleading.

If the United States Attorney wants to continue this SRV case as is their right, they are prosecuting a Violation based upon a criminal Defendant/Petitioner who has proven to the United States Probation Officer Jason McMurray that: (#1) he had been subject to carbon monoxide gas exposure according to a witness who is an expert on Chimney work; (#2) that the police had failed or refused to do a Laboratory blood test results or if there was Laboratory results they were likely

covered up or destroyed or concealed; (#3) that Sovah Hospital in Martinsville, Virginia had drawn blood and the record said they had ordered different Laboratory tests but instead Hill was arrested on September 21, 2018 so the staff wouldn't do the Laboratory results but instead that it would be Martinsville Police Department.

The evidence was given over to U.S. Probation Officer ("USPO") Jason McMurray ("McMurray") on June 20, 2019 during the June monthly home visit. A photocopy of the evidence that was given over to USPO McMurray is attached to this Declaration filing, along with a Declaration of Brian David Hill certifying that he had given such evidence to USPO McMurray on June 20, 2019 (with original signatures).

The evidence proves that Martinsville Police Department had committed the civil wrongdoing of negligence which caused an innocent man to be arrested then spend months in Martinsville City Jail, then only to be arrested again but by the U.S. Marshals Service to be sent to Western Virginia Regional Jail in December, 2018, then to be evaluated again at FCI-1 Butner, then FCI Petersburg, then Central Virginia Regional Jail, then released on Federal bond. All of that could have been avoided had the Martinsville Police Department done their job after the Hospital staff had drawn blood from Brian David Hill on September 21, 2018. The Lab tests being ordered by the Hospital in Martinsville, (citing Medical Records obtained from Hill "MM00370912 MM7806761243 SOVAH Health - Martinsville, ED Physician Record - Electronic - Page 4/4, Job 23328 (05/17/2019 13:34) - Page 7 Doc# 2", photocopy of the record given to USPO McMurray) but then the tests which were supposed to be ordered were "Deleted from the chart" because the Hospital will not do the Lab tests themselves when the patient is under police custody since the Martinsville Police Department conducts their own Laboratory

tests according to what I was told at the Medical Records office at Sovah Hospital in Martinsville.

This is a clear cut case of negligence on the part of both Martinsville City Jail and Martinsville Police Department. Had the Police Department and/or the Jail or Hospital conducted the “blood count” test, they would have either detected an abnormal blood cell count or any other signs/evidence of toxicity in the blood which can include exposure to carbon monoxide poisoning caused by exposure to carbon monoxide gas. The Martinsville Police Department on September 21, 2018, violated Hill’s rights under the Americans with Disabilities Act (“ADA”), lied to USPO McMurray about Hill recanting his statements made to the Police, failed or refused to conduct Laboratory test results after blood was drawn from Hill (*even the Medical Record shown that the blood count test and other test results would have been ordered by the Hospital had Hill not been arrested*), and their negligence led to the wrongful arrest warrant (Documents #156, #157, and #158) against Hill. The Police failed and refused to prove Hill’s claims about being possibly drugged which would have revealed possible carbon monoxide toxicity. They should have thought it was abnormal for an autistic man to be walking naked on a hiking trail at night with brittle diabetes and Autism Spectrum Disorder, abrasions all on Hill’s body, and not thinking straight.

### **REVIEW OF HILL’S PAST FILINGS**

The Court can review what Hill had wrote on October 17, 2018 (Document #153). Hill felt like someone was watching him while he was mowing the yard on September 18, 2018 between the hours of 1-4 PM. He was talking on a talk show on September 19, 2018 about his federal case and the Americans with Disabilities Act. On September 20, 2018 some of his memories had been blocked out. He was under stress and anxiety. He was keeping his apartment doors unlocked, was

psychologically afraid to sleep on his bed, sometimes sleeping on the couch and had a bad feeling that something bad was going to happen to him.

Page 3 of 11: He had gone to a resort in Western Virginia in his own district a few days before and did not want to come back to his house. He explained "As if something was terrifying in my psychological mind, and I haven't kept my door or doors locked", While at his house, he kept his doors unlocked according to document #153. He left his house at about 11 to go walking beside the road on the sidewalk.

He walked to the Dick & Willie Trail (miles from his home) and about 11 to 12 midnight he met a guy in a hoodie near a warehouse who told Brian to remove his clothes and take photos of himself and leave the SD card on the nearby bench. He said the guy was probably white, 5 to 6 feet tall. This guy told Brian if he didn't do this, they (or he) would kill Brian's mother. Brian thought he might have been drugged.

At a later time not known to Brian or this Court until this year, Brian's family found out that he was exposed to carbon monoxide for about a year in his apartment 4 months after his September 21, 2018th arrest on January 30, 2019. His description leading up to the guy in the hoodie is the description of someone exposed to carbon monoxide which can cause effects of impulsiveness and hallucinations and brain damage. According to the hospital, his blood glucose was fine in the early hours of Sept. 21 which meant that he could have forgotten to give himself an insulin shot the night before. Brian has autism. Brian is a brittle diabetic who takes several insulin shots per day, and he has seizures when his glucose goes too low. Walking a lot causes his glucose to go very low. He needs someone with him at all times when he is walking or he is at risk of falling out into a diabetic seizure. He also was at risk of being attacked by a black bear or even coyotes. Why

would he walk naked at night when that is the time when dangerous animals can come out and maul him? Attack him? When he had no history of doing this kind of thing before? Abnormal behavior, abnormal thinking patterns? Carbon monoxide exposure? Hmmmmm

### THE CONCLUSION

The failure of Martinsville Police Department testing for drugs or anything, or cover up or concealment of such report (*if such report exists or had existed at one time, which may be Obstruction of Justice by concealing the existence of such report if such report had existed*), led to the wrongful Supervised Release Violation charge and wrongful arrest of Brian David Hill. All of that time wasted, tax payers money wasted, judicial resources wasted, all because of carbon monoxide gas exposure of an autistic man. If Hill's apartment had not been big (compared to California efficiency apartments), Hill would have highly likely died, then instead of being arrested for abnormal behavior, Hill would have been sitting dead smelling like a corpse in his apartment with high toxicity in his blood. Carbon monoxide exposure can lead to brain damage, doing crazy abnormal acts, and can eventually lead to death if the exposure is not detected then deterred. Carbon monoxide can lead to impulsiveness (conducting acts without thinking of the consequences), hallucinations (one could think they are taking a bath or shower but instead it can be out in public or one can hallucinate a man in a hoodie?). The possibilities of what one can hallucinate based on how much exposure to a gas? Can somebody truly think rational and act rational when under carbon monoxide gas exposure?

Brian has been punished far too long and far too much when he is the victim of carbon monoxide exposure, and him and his mother had received threats.

One greeting card which Roberta Hill received with the same Method of Operation (“MO”) (same writing style) by an unknown assailant before the threatening greeting card had mentioned about that it was no fun feeling (or being) sick. What would the greeting card sender know that Brian’s mother was feeling sick? Was it referring to carbon monoxide exposure? Were they thinking of a biological attack against Brian’s mother? Why is the FBI refusing to investigate anything Brian mails them or faxes them? The threatening greeting card said that they will conduct a “controlled action” against Brian’s mother if she didn’t stop what she was doing (presumably they did not like Roberta putting stuff on YouTube and having her books for sale on Amazon). Both were before the Dick and Willie trial incident on September 21, 2018.

Brian is a pure fan of U.S. President Donald John Trump for his “drain the swamp” campaign slogan and a pure ally of QANON because the corruption within the U.S. Department of Justice and the Federal Bureau of Investigation caused the wrongful suffering of Brian David Hill for all of these years. Brian believes it is time to drain the swamp of the corrupt and non-empathic psychotic Government corruption and abuses of power. The abuses of power by U.S. Attorneys and other Government employees is out of control, the frauds upon the court by the Government will make people not believe anything in our federal courts anymore and will create distrust of our federal courts, the frauds have to stop, the court should go after the frauds. Brian doesn’t understand why they all haven’t been fired from their jobs and barred from all Government jobs as a repercussion for their corrupt actions and psychopathic behaviors. The SRV violation is another form of retaliation/revenge against Brian David Hill and they are ignoring USPO McMurray to go on a witchhunt that will likely last over a year (*compared to the last Supervised Release Violation charge in 2015*) over Hill fighting to prove his

actual innocence and exposing the fraud or frauds upon the Court. Even I have witnessed on watching Sean Hannity show on Fox News, that the FBI and the DOJ had engaged in the fraud upon the court to get a FISA surveillance warrant against U.S. President Donald John Trump for the Russian Collusion Delusion. The DOJ and FBI seem to have a long history of dirty tricks to win every criminal case, at whatever cost that may be, whether it be criminally illegal or legal.

What Dr. Graney is doing to me, what AUSA Ramaswamy is doing to me, what other corrupt Government officials are doing to me and trying to hurt me and ruin my life, they are acting the very same way towards our honorable U.S. President Donald John Trump, a corrupt and unaccountable bureaucracy. I and President Trump are being treated the same. We are being abused and attacked by the U.S. Department of Justice which is legally terrorizing us, our friends, and/or our families. Terrorizing anybody who wants to exercise their freedom of speech and freedom of press, to speak out against Government corruption, eugenics, and abuse of power that has gone unchecked since the September 11, 2001 attacks. Now they can abuse any Americans they want, take away all their Constitutional rights, and get away with it. Our checks and balances are disappearing more and more every single year.

Why is the U.S. Department of Justice continuing to terrorize me and my family???????????? This SRV violation charge based on already abnormal behavior which had never happened before, caused by carbon monoxide gas exposure, and the Martinsville Police Department's lack of empathy and they didn't even want to investigate whether I was drugged or not. They didn't want to find out that I had toxicity in my blood as caused by carbon monoxide exposure.

Their negligence led to me being jailed from September 21, 2018, all the way till May 14, 2019, then spending another 5 days in jail for the State case until I was



bonded out on State Bond conditions simply because I appealed it to the Circuit Court for trial do novo. All of the days I spent sitting in Jails and Butner prison and Petersburg prison, all because the Police Department failed or refused to test for toxicity in my blood. How stupid can that be? That stupidity is ruining my life and making me stressed out beyond imagination. Martinsville Police is acting just as bad as Mayodan Police Department? Wouldn't any reasonable person think that the SRV charge and the State charge has gone too far with the evidence?

I plan on suing Government people and Martinsville Police Department for negligence, suing for as much money as I can get including Attorney fees, any medical fees, any fees for removing the toxicity from my blood, suing them all including the U.S. Attorney for supporting the negligence of Martinsville Police Department. I may also sue United States Probation Supervisory Officer Edward R. Cameron for wasting my time by wrongfully petitioning for arresting me when all of this could have been avoided by proving my earlier claim last year that I was drugged which such Laboratory tests would have proven toxicity/poisoning in the blood stream due to carbon monoxide gas exposure. USPO Supervisory Officer Edward Cameron allowed Kristy Burton to lie on the stand multiple times (Document #137), committing her perjury, and USPO Cameron seems to be retaliating against me for simply for bringing up on record her fraud upon the court for lying on the stand, making a mockery of true justice, a mockery by both Kristy Burton and the Assistant U.S. Attorney. Mocking the true justice system by perpetuating this lawfare, legal warfare against me and dragging my family into this perpetual criminal case nightmare. Till this day, Kristy Burton still works as a U.S. Probation Officer, she has not once been punished for any crimes that she may committed under the guise of justice.

I plan on suing both the U.S. Probation Office in Greensboro, NC (not Jason McMurray since he never called for my revocation, Jason McMurray should be excluded from my future lawsuit or lawsuits depending on how bad the negligence is.), the U.S. Attorney office in Greensboro, NC, the Martinsville Police Department, and the Martinsville City Jail, all for wrongful imprisonment, ignoring evidence, ignoring and violating my disability rights, and negligence. They want to make my life a living hell by pushing to revoke my Supervised Release and me being charged in the State of Virginia all for being a victim of gas exposure, poisoning, and the Law Enforcement failed or refused to test for drugs which would have shown carbon monoxide and/or toxicity in the blood. The negligence had led to the witchhunt against me which is negatively affecting my family and my health.

From everything I had witnessed ever since the start of this federal criminal case, I have learned that Donald Trump and/or Sean Hannity was right about our Department of Justice, they are as corrupt, non-empathetic, abuse of power, and most detrimental to our Constitutional republic that I had ever seen since the Department of Justice was originally created by Congress. The Assistant U.S. Attorneys should share the blame for my wrongful suffering. All of the wrongful acts that they had done to me, being an innocent man in both my federal case and the Commonwealth/State case. Even case law shows that I cannot be guilty of indecent exposure without being obscene. I had to be obscene in order to be guilty of it, which is what both Virginia Circuit case laws, and my own lawyer said to me. I am innocent of the State charge and that was without the carbon monoxide exposure. That evidence just strengthens the innocence arguments in my favor.

**I am tired of being punished over and over again, for my actual innocence. I shouldn't be punished for my State appeal either. I am tired of being punished**

**over my Pro Se work too. I am tired of being wrongfully convicted and then face revocation of Supervised Release on top of that while the laboratory results were either never conducted or were covered up just like the cover up of the State Bureau of Investigation forensic report on my criminal case in the Federal system.** I am getting tired of being abused by the DOJ in a prosecutorial system that doesn't care about the American people but cares about power and putting us all in fear of retaliation and repercussions for speaking out. I done nothing wrong when I was a victim of carbon monoxide exposure. I need therapy, detoxification, and any other measures to get the carbon monoxide out of my body, not a revocation of my Supervised Release. I need healing, not jailing.

The only way for justice to be served is to find out what happened to the Laboratory report if there was one, and why the Martinsville Police Department failed or refused to find whether or not there was toxicity in my blood after they had found me on the Dick and Willie hiking trail, at night, naked, and abrasions on my body. Then investigate whether the negligence caused my wrongful incarceration.

Hill introduces three case laws in favor of Hill not being guilty of indecent exposure under Virginia Code § 18.2-387. In all three cases the convictions were reversed when the conduct did not rise to being obscene, because "it does not rise to the level of obscenity required under Code § 18.2-387, as defined in Code § 18.2-372."

1. Kimberly F. Neice v. Commonwealth of Virginia, Record No. 1477-09-3 in the Circuit Court of Giles County
2. A. M. v. Commonwealth of Virginia, Record No. 1150-12-4 in the Circuit Court of Shenandoah County
3. Kenneth Samuel Moses v. Commonwealth of Virginia, Record No. 0985-03-3 in the Circuit Court of Richmond

None of those cases involving such acquittals are carbon monoxide cases. So should there be any criminal charges at all involving victims of carbon monoxide gas poisoning????? You be the Judge?

Respectfully filed with the Court, this the 21st day of June, 2019.

Respectfully submitted,

Brian D. Hill  
signed

Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 1

Martinsville, Virginia 24112

Phone #: (276) 790-3505



Former U.S.W.G.O. Alternative News reporter

I stand with QANON/Donald-Trump – Drain the Swamp

Make America Great Again

Petitioner also requests with the Court that a copy of this pleading be served upon the Government as stated in 28 U.S.C. § 1915(d), that “The officers of the court shall issue and serve all process, and preform all duties in such cases. Witnesses shall attend as in other cases, and the same remedies shall be available as are provided for by law in other cases”. Petitioner requests that copies be served with the U.S. Attorney office of Greensboro, NC via CM/ECF Notice of Electronic Filing ("NEF") email, by facsimile if the Government consents, or upon U.S. Mail.

Thank You!

**Declaration of Brian David Hill on evidence/records given to USPO Jason McMurray of Roanoke, Virginia**

I, Brian David Hill, declare pursuant to Title 28 U.S.C. § 1746 and subject to the penalties of perjury, that the following is true and correct:

100-3-71000-1  
1-750-1-1-1-1

1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 26

I attach the following evidence in the following order in attachment to this pleading for this Honorable Court in support of the claims made this pleading and any arguments made in this pleading in regards to the Supervised Release Violation charge and therefore supports the opposition to Government's Documents #156, #157, and #158:

1. Declaration of Brian David Hill on June 19, 2019, regarding delivery of certain papers/records to United States Probation Officer Jason McMurray of Roanoke, Virginia – Pursuant to criminal case no. 1:13-cr-435-1, United States District Court – Middle District of North Carolina – 2 pages **(original signatures)**
2. Photocopy of Declaration of Brian David Hill on June 19, 2019, regarding Laboratory results and Martinsville Police Department – Pursuant to criminal case no. 1:13-cr-435-1, United States District Court – Middle District of North Carolina – 2 pages
3. Photocopy of Sovah Health Martinsville (formerly Martinsville Memorial Hospital) Medical Records of Brian David Hill, dated September 21, 2018, requested on May 17, 2019, MRN: MM00370912, ACCT: MM7806761243 – 7 pages
4. Photocopy of Letter from witness Pete Compton regarding statements of both Brian David Hill's and Roberta Hill's residences at 310 Forest Street, Apartment #1 and Apartment #2, Martinsville, VA, being exposed to carbon monoxide gas – 1 page

Total is 12 pages.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 21, 2019.

Respectfully submitted,

11-11-11  
11-11-11  
11-11-11

*Brian D. Hill*  
Signed

Signed  
Brian D. Hill (Pro Se)  
310 Forest Street, Apartment 1  
Martinsville, Virginia 24112  
Phone #: (276) 790-3505



Former U.S.W.G.O. Alternative News reporter  
I stand with QANON/Donald-Trump – Drain the Swamp  
Make America Great Again

#### CERTIFICATE OF SERVICE

Petitioner hereby certifies that on June 21, 2019, service was made by mailing the original of the foregoing:

“JUNE 21, 2019 DECLARATION OF BRIAN DAVID HILL IN OPPOSITION TO GOVERNMENT’S/RESPONDENT’S DOCUMENTS #156, #157, AND #158”

by deposit in the United States Post Office, in an envelope, Postage prepaid, on June 21, 2019 addressed to the Clerk of the Court in the U.S. District Court, for the Middle District of North Carolina, 324 West Market Street, Suite 1, Greensboro, NC 27401.

Then pursuant to 28 U.S.C. §1915(d), Petitioner requests that the Clerk of the Court move to electronically file the foregoing using the CMIECF system which will send notification of such filing to the following parties to be served in this action:

Anand Prakash Ramaswamy U.S. Attorney Office Civil Case # 1:17 -cv-1036 101 South Edgeworth Street, 4th	Angela Hewlett Miller U.S. Attorney Office Civil Case # 1: 17 -cv-1036 101 South Edgeworth Street, 4th
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Floor, Greensboro, NC 27401  
[Anand.Ramaswamy@usdoj.gov](mailto:Anand.Ramaswamy@usdoj.gov)

Floor, Greensboro, NC 27401  
[angela.miller@usdoj.gov](mailto:angela.miller@usdoj.gov)

This is pursuant to Petitioner's "In forma Pauperis" ("IFP") status, 28 U.S.C. §1915(d) that "The officers of the court shall issue and serve all process, and perform all duties in such cases ... "the Clerk shall serve process via CM/ECF to serve process with all parties.

7016 0600 0000 8319 9190

<p>Date of signing:</p> <p><u>June 21, 2019</u></p>	<p>Respectfully submitted,</p> <p><u>Brian D. Hill</u>  <i>Signed</i></p> <p>Signed          Brian D. Hill (Pro Se)          310 Forest Street, Apartment 1          Martinsville, Virginia 24112          Phone #: (276) 790-3505</p> <p><b>U.S.W.G.O.</b></p> <p>I stand with QANON/Donald-Trump – Drain          the Swamp          Make America Great Again</p>
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**Declaration of Brian David Hill on June 19, 2019, regarding delivery of certain papers/records to United States Probation Officer Jason McMurray of Roanoke, Virginia – Pursuant to criminal case no. 1:13-cr-435-1, United States District Court – Middle District of North Carolina**

I, Brian David Hill, declare pursuant to Title 28 U.S.C. § 1746 and subject to the penalties of perjury, that the following is true and correct:

I certify that on June 20, 2019, I had personally delivered, by hand delivery, the following papers to United States Probation Officer Jason McMurray of the Western District of Virginia, Roanoke division, while at my home at 310 Forest Street, Apartment 1, Martinsville Virginia:

1. Declaration of Brian David Hill on June 19, 2019, regarding Laboratory results and Martinsville Police Department – Pursuant to criminal case no. 1:13-cr-435-1, United States District Court – Middle District of North Carolina – 2 pages
2. Sovah Health Martinsville (formerly Martinsville Memorial Hospital) Medical Records of Brian David Hill, dated September 21, 2018, requested on May 17, 2019, MRN: MM00370912, ACCT: MM7806761243 – 7 pages
3. Letter from witness Pete Compton regarding statements of both Brian David Hill's and Roberta Hill's residences at 310 Forest Street, Apartment #1 and Apartment #2, Martinsville, VA, being exposed to carbon monoxide gas – 1 page

Total is 10 pages.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 20, 2019.

Signed,   
 Brian D. Hill

Former U.S.W.G.O. Alternative News reporter  
 Phone #: 276-790-3505

Mailing Address: 310 Forest Street, Apartment 1, Martinsville, Virginia 24112

delivery of records/papers - 1 of 2 - delivery of records/papers



Amazon: The Frame Up of Journalist Brian D. Hill

Witnessed by

Roberta Hill

310 Forest Street, Apartment 1, Martinsville, Virginia 24112

A handwritten signature in blue ink, which appears to read "Roberta Hill", is written over a horizontal line.

Signature

delivery of records/papers - 2 of 2 - delivery of records/papers

(1)

**Declaration of Brian David Hill on June 19, 2019, regarding Laboratory results  
and Martinsville Police Department – Pursuant to criminal case no. 1:13-cr-435-1,  
United States District Court – Middle District of North Carolina**

I, Brian David Hill, declare pursuant to Title 28 U.S.C. § 1746 and subject to the penalties of perjury, that the following is true and correct:

After I was released on Federal bond in Roanoke, Virginia on May 14, 2019, one of those days in May, 2019, I had wanted to ask Sovah Health Martinsville (*formerly Martinsville Memorial Hospital, located at 320 Hospital Drive, Martinsville, VA 24112*) for the Medical Records including the Laboratory results. I asked for those records on May 17, 2019. All I got was seven (7) pages from what I had remembered. Another time thereafter, at a later day I went back to the Medical Records office and asked them to look for Laboratory results. One of the women who worked there called somebody or another office and asked about it, then she asked me if I was escorted there by police or if police were with me when I was at the Hospital. When I said that I was, she said that the Laboratory results would be with the Martinsville Police Department and that they do their own Lab test results.

On September 21, 2018, before I was arrested by Martinsville Police Department under officer Sgt. R. D. Jones, blood was drawn from me and placed into a vial or vials while at the Hospital, then I assumed I was being tested for drugs which I thought was appropriate considering that I thought I was drugged at the time.

The reason I need those Lab results is because they would have been able to tell either an abnormal blood cell count or found toxicity in the blood which would mean the evidence of the presence of a toxicity which can include carbon monoxide gas poisoning. The last page from Sovah Health Martinsville Hospital, "MM00370912 MM7806761243 SOVAH Health - Martinsville, ED Physician Record - Electronic - Page 4/4, Job 23328 (05/17/2019 13:34) - Page 7 Doc# 2", it stated that "COMPLETE BLD COUNT W/AUTO DIFF+LAB ordered. EDMS" would have been ordered which would have proven toxicity in my blood and thus I have the belief that if the Martinsville Police Department, on September 21, 2018, had they done the blood count lab tests, they would have proven my statements regarding my thoughts that I was drugged (*unaware at the time on September 21st that I had been living in my home during the time of carbon monoxide gas exposure all the way up until late night September 20, 2018 when I left my home at Apartment 2, 310 Forest Street, Martinsville, VA 24112*), then they would have eventually found out last year that I had carbon monoxide toxicity in my blood.

I had turned myself in to Martinsville City Jail on May 30, 2019, due to my



①

lawyer Scott Albrecht (*at the time, when he was my lawyer*) instructing me that unless I withdrawn my Appeal of my criminal case to the Circuit Court, I would have to turn myself in and go back into custody at the State of Virginia until I was bonded out on June 4, 2019. I had informed my lawyer through phone (earlier by Fax) after I had turned myself into Martinsville City Jail, about the Laboratory results that I thought the Martinsville Police Department would have a record of since my blood was drawn last year (*around September 21, 2018*), as it would help prove carbon monoxide. He told me that the Commonwealth Attorney will also look for those records, and said that they may or may not exist.

On the day that I was released from Martinsville City Jail (June 4, 2019), my family informed me that my lawyer Scott Albrecht told them that there was no Laboratory Report in the Martinsville Police Department. My blood was drawn, and put into vials on September 21, 2018. usually when I see medical staff draw blood from me, it is normally to do Laboratory work, and can even be used for drug testing. So blood was drawn, the Police Department does their own Lab results from what the Hospital staff told me, and yet I had found out that the Police Department does not have any Lab results and the Commonwealth Attorney of Martinsville, VA, cannot find those Lab results. The last page I had received from Sovah Hospital asked for specific tests to have been ordered including a blood count test, and that would have proven to Martinsville Police Department that I had toxicity in my blood at the time that I was naked on the Dick and Willie hiking trail in Martinsville, VA, at night, around early September 21, 2018, and had abrasions/scrapes/scratches all on my body. I wasn't thinking straight because of the carbon monoxide gas exposure, yet the Police Department did not have any Laboratory results even though blood was drawn from me while at the Hospital.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 19, 2019.

Signed, Brian D. Hill  
Signed

Brian D. Hill

Former U.S.W.G.O. Alternative News reporter

Phone #: 276-790-3505

Mailing Address: 310 Forest Street, Apartment 1, Martinsville, Virginia 24112

**U.S.W.G.O.**

Amazon: The Frame Up of Journalist Brian D. Hill

I stand by QANON/President-Trump and ask for QANON's help

06/19/2019 - 06:46 PM

Brian Hill  
MRN: MM00370912  
ACCT: MM7806761243

②

## Sovah Health Martinsville

320 Hospital Drive  
Martinsville, VA 24112  
276-666-7237

7806761243

**Emergency Department  
Instructions for:**

**Hill, Brian D**

**Arrival Date:**

**Friday, September 21, 2018**

Thank you for choosing **Sovah Health Martinsville** for your care today. The examination and treatment you have received in the Emergency Department today have been rendered on an emergency basis only and are not intended to be a substitute for an effort to provide complete medical care. You should contact your follow-up physician as it is important that you let him or her check you and report any new or remaining problems since it is impossible to recognize and treat all elements of an injury or illness in a single emergency care center visit.

**Care provided by:** Hinchman, Brant, DO

**Diagnosis:** Abrasion, right knee; Abrasion of unspecified front wall of thorax

DISCHARGE INSTRUCTIONS	FORMS
VIS, Tetanus, Diphtheria (Td) - CDC Abrasion, Easy-to-Read Knee Pain, Easy-to-Read	Medication Reconciliation
FOLLOW UP INSTRUCTIONS	PRESCRIPTIONS
<b>Private Physician</b> When: Tomorrow; Reason: Further diagnostic work-up, Recheck today's complaints, Continuance of care <b>Emergency Department</b> When: As needed; Reason: Fever > 102 F, Trouble breathing, Worsening of condition	None
SPECIAL NOTES	
None	

**National Hopeline Network: 1-800-784-2433**

If you received a narcotic or sedative medication during your Emergency Department stay you should not drive, drink alcohol or operate heavy machinery for the next 8 hours as this medication can cause drowsiness, dizziness, and decrease your response time to events.

I hereby acknowledge that I have received a copy of my transition care record and understand the above instructions and prescriptions.

*Brian D. Hill*  
\_\_\_\_\_  
Brian Hill

*Jenica Tate, RN, BSN*  
\_\_\_\_\_  
ED Physician or Nurse  
09/21/2018 04:52

2

EMERGENCY DEPARTMENT RECORD  
Physician Documentation  
Sovah Health Martinsville  
Name: Brian Hill

Age: 28 yrs

Sex: Male

DOB: 05/26/1990

MRN: MM00370912

Arrival Date: 09/21/2018

Time: 04:04

Account#: MM7806761243

Bed ER 9

Private MD:

ED Physician Hinchman, Brant

HPI:

09/21

04:40 This 28 yrs old White Male presents to ER via Law Enforcement with complaints of Knee Pain. bdh

09/21

04:48 28-year-old male with diabetes and autism presents for evaluation after complaining of right knee pain and scrapes and abrasions. bdh  
Patient was apparently taking pictures of himself in the nude across town this evening and when police attempted apprehend him brain through Briar patch. Patient does report scratches and abrasions to the right knee but no pain on range of motion. Unknown last tetanus..

Historical:

- Allergies: Ranitidine;
- PMHx: autism; Diabetes - IDDM; OCD;
- Exposure Risk/Travel Screening:: Patient has not been out of the country in last 30 days. Have you been in contact with anyone who is ill that has traveled outside of the country in the last 30 days? No.
- Social history:: Tobacco Status: The patient states he/she has never used tobacco. The patient/guardian denies using alcohol, street drugs, The patient's primary language is English. The patient's preferred language is English.
- Family history:: No immediate family members are acutely ill.
- Sepsis Screening:: Sepsis screening negative at this time.
- Suicide Risk Screen:: Have you been feeling depressed in the last couple of weeks? No Have you been feeling hopeless to the extent that you would want to end your life? No Have you attempted suicide or had a plan to attempt within the last 12 months? No.
- Abuse Screen:: Patient verbally denies physical, verbal and emotional abuse/neglect.
- Tuberculosis screening:: No symptoms or risk factors identified.
- The history from nurses notes was reviewed: and my personal history differs from that reported to nursing.

ROS:

09/21

04:49 All other systems are negative, except as documented below. bdh

Constitutional: Negative for chills, fever. Respiratory: Negative for

Brian Hill  
MRN: MM00370912  
ACCT: MM7806761243

②

**FOLLOW UP INSTRUCTIONS**

---

**Private Physician**

When: Tomorrow

Reason: Further diagnostic work-up, Recheck today's complaints, Continuance of care

**Emergency Department**

When: As needed

Reason: Fever > 102 F, Trouble breathing, Worsening of condition

7806761243



Brian Hill  
MRN: MM00370912  
ACCT: MM7806761243

(2)

MRN # MM00370912

**X-RAYS and LAB TESTS:**

If you had x-rays today they were read by the emergency physician. Your x-rays will also be read by a radiologist within 24 hours. If you had a culture done it will take 24 to 72 hours to get the results. If there is a change in the x-ray diagnosis or a positive culture, we will contact you. Please verify your current phone number prior to discharge at the check out desk.

**MEDICATIONS:**

If you received a prescription for medication(s) today, it is important that when you fill this you let the pharmacist know all the other medications that you are on and any allergies you might have. It is also important that you notify your follow-up physician of all your medications including the prescriptions you may receive today.

**TESTS AND PROCEDURES**

---

**Labs**

None

**Rad**

None

**Procedures**

None

**Other**

Call ERT, IV saline lock

**Chart Copy**

7806761234

②

cough, dyspnea on exertion, shortness of breath. MS/extremity: Positive for pain, Negative for decreased range of motion, paresthesias, swelling, tenderness, tingling. Skin: Positive for abrasion(s), Negative for rash, swelling.

Exam:

09/21

04:49 Constitutional: This is a well developed, well nourished patient who bdh is awake, alert, and in no acute distress. Head/Face: Normocephalic, atraumatic. Eyes: Pupils equal round and reactive to light, extra-ocular motions intact. Lids and lashes normal. Conjunctiva and sclera are non-icteric and not injected. Cornea within normal limits. Periorbital areas with no swelling, redness, or edema. ENT: Oropharynx with no redness, swelling, or masses, exudates, or evidence of obstruction, uvula midline. Mucous membranes moist. No meningismus. Neck: Supple, full range of motion without nuchal rigidity, or vertebral point tenderness. No Meningismus. No JVD. Cardiovascular: Regular rate and rhythm with a normal S1 and S2. No gallops, murmurs, or rubs. No JVD. No pulse deficits. Respiratory: Lungs have equal breath sounds bilaterally, clear to auscultation and percussion. No rales, rhonchi or wheezes noted. No increased work of breathing, no retractions or nasal flaring. Abdomen/GI: Soft, non-tender, with normal bowel sounds. No distension or tympany. No guarding or rebound. No pulsatile mass. Back: No spinal tenderness. No costovertebral tenderness. Full range of motion. Skin: Multiple superficial abrasions to the groin and abdomen without fluctuance or tenderness. MS/ Extremity: Pulses equal, no cyanosis. Neurovascular intact. Full, normal range of motion. No peripheral edema, tenderness. Abrasion to right knee but nontender, no deformity or swelling. Ambulating without difficulty. Neuro: Awake and alert, GCS 15, oriented to person, place, time, and situation. Cranial nerves II-XII grossly intact. Psych: Awake, alert, with orientation to person, place and time. Behavior, mood, and affect are within normal limits.

Vital Signs:

09/21

04:09 BP 124 / 86; Pulse 119; Resp 19; Temp 98; Pulse Ox 98% ; Weight 99.79 jt kg; Height 6 ft. 0 in. (182.88 cm); Pain 0/10;

09/21

05:01 BP 119 / 80; Pulse 106; Resp 16; Temp 98.2; Pulse Ox 99% ; Pain 0/10; jt

09/21

04:09 Body Mass Index 29.84 (99.79 kg, 182.88 cm) jt

MDM:

09/21

04:04 MSE Initiated by Provider.

bdh

09/21

04:50 Differential diagnosis: fracture, sprain, penetrating trauma, et al. bdh

ED course: Cleared from a psychiatric standpoint by Behavioral

Health. Patient will be discharged to jail. No new complaints.. Data reviewed: vital signs, nurses notes. Counseling: I had a detailed

discussion with the patient and/or guardian regarding: the historical points, exam findings, and any diagnostic results supporting the

(2)

discharge/admit diagnosis, the need for outpatient follow up, to return to the emergency department if symptoms worsen or persist or if there are any questions or concerns that arise at home.

09/21

04:16 Order name: Call ERT; Complete Time: 04:25

bdh

09/21

04:16 Order name: IV saline lock; Complete Time: 04:36

bdh

09/21

04:29 Order name: Other: NO suicidal homicidal risk; Complete Time: 05:03

bdh

Dispensed Medications:

Discontinued: NS 0.9% 1000 ml IV at 999 mL/hr once

09/21

04:36 Drug: Tetanus-Diphtheria Toxoid Adult 0.5 ml (Manufacturer: Grifols ' lb1  
Therapeutics. Exp: 09/27/2020. Lot #: A112A. ) Route: IM; Site: right  
deltoid;

09/21

05:04 Follow up: Response: No adverse reaction

lb1

09/21

04:36 Drug: NS 0.9% 1000 ml Route: IV; Rate: 999 mL/hr; Site: right arm; lb1  
Delivery: Primary tubing;

09/21

05:11 Follow up: IV Status: Completed infusion

dr

Disposition:

09/21

04:52 Electronically signed by Hinchman, Brant, DO at 04:52 on 09/21/2018. bdh  
Chart complete.

Disposition:

09/21/18 04:52 Discharged to Jail/Police. Impression: Abrasion, right knee,  
Abrasion of unspecified front wall of thorax.

- Condition is Stable.

- Discharge Instructions: VIS, Tetanus, Diphtheria (Td) - CDC,  
Abrasion, Easy-to-Read, Knee Pain, Easy-to-Read.

- Medication Reconciliation form.

- Follow up: Private Physician; When: Tomorrow; Reason: Further  
diagnostic work-up, Recheck today's complaints, Continuance of  
care. Follow up: Emergency Department; When: As needed; Reason:  
Fever > 102 F, Trouble breathing, Worsening of condition.

- Problem is new.

- Symptoms have improved.

Order Results:

There are currently no results for this order.

Signatures:

Dispatcher MedHost

Tate, Jessica, RN

Hinchman, Brant, DO

	EDMS
RN	jt
DO	bdh

②

Ramey, Nicole  
 Bouldin, Lauren, RN  
 Reynolds, Daniel R

nmr  
 RN lbl  
 RN dr

Corrections: (The following items were deleted from the chart)

09/21  
 04:48 09/21 04:16 COMPREHENSIVE METABOLIC PANEL+LAB ordered. EDMS EDMS  
 09/21  
 04:48 09/21 04:16 COMPLETE BLD COUNT W/AUTO DIFF+LAB ordered. EDMS EDMS  
 09/21  
 04:49 09/21 04:16 CPK, TOTAL+LAB ordered. EDMS EDMS  
 09/21  
 04:50 09/21 04:16 ALCOHOL, ETHYL+LAB ordered. EDMS EDMS  
 09/21  
 04:50 09/21 04:16 STAT OVERDOSE PANEL+LAB ordered. EDMS EDMS  
 09/21  
 04:52 09/21 04:52 09/21/2018 04:52 Discharged to Jail/Police. Impression: bdh  
 Abrasion, right knee; Abrasion of unspecified front wall of thorax.  
 Condition is Stable. Discharge Instructions: Medication  
 Reconciliation. Follow up: Private Physician; When: Tomorrow; Reason:  
 Further diagnostic work-up, Recheck today's complaints, Continuance  
 of care. Follow up: Emergency Department; When: As needed; Reason:  
 Fever > 102 F, Trouble breathing, Worsening of condition. Problem is  
 new. Symptoms have improved. bdh  
 09/21  
 04:54 09/21 04:16 URINALYSIS W/REFLEX TO CULTURE+LAB ordered. EDMS EDMS

\*\*\*\*\*

(3)

## To Whom This May Concern:

On January 30, 2019 I went to the house at 310 Forest St., Martinsville, Va 24112 to measure and give a price for a Chimney cover. Roberta Hill and her parents: Ken & Stella Forinash escorted me to Apt 1 to show me the fireplace which had a small amount of white residue inside, no damage to the ceiling and wall around the fireplace. They then escorted me downstairs to Apt 2 where parts of the ceiling above the fireplace had fallen and there was a lot of damage in the remaining ceiling below the hearth of the fireplace in apt 1 located above apt 2 and a lot of damage along the wall in apt 2 above and on both sides of the fireplace as well as a lot of white residue inside of the fireplace. After this, we went down another flight of stairs to the basement where the gas boiler heater and the gas hot water heater were located to show me that there would be 3 holes in the chimney.

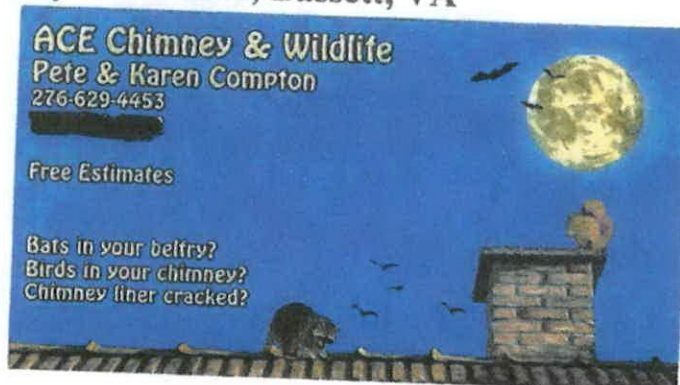
I then went outside and got my ladder to measure the chimney. This was when I found out that all 3 holes were covered with tin. Knowing that the gas boiler heater & gas hot water heater needed to be vented at all times, I immediately removed the tin covering the hole so carbon monoxide would no longer go through the house. Ms Hill had informed me that she had called a chimney sweep in Rocky Mount, VA in October, 2017 to clean the chimney and to put screen on all holes after the family spotted birds going into their fireplace the year before. In my 25 years of doing this type of work, this was the first time I have ever seen tin covering holes where it is important to vent gas heaters. I showed the family the tin I had just removed and had them to climb my ladder to look at the chimney. We then went back in the house, and I informed them that the white residue inside both fireplaces was from the gas that had no other place to escape and informed them that they had been exposed to carbon monoxide poisoning, but now that the tin had been removed, there should no longer be any problems. I returned to the house on February 4, 2019 and installed a stainless steel multifaceted chimney cap vented with screen on all 4 sides. GA EA

Signed as a witness on this date: Kenneth R. Forinash 6-13-19

Elnor P. Compton # 6-13-19

Pete Compton ACE Chimney & Wildlife; Bassett, VA

Phone 276-629-4453



# **EXHIBIT 24: STATUS REPORT OF PETITIONER SEPTEMBER 27, 2018, RE-MAILED ON OCTOBER 10, 2018 for**

attached to: "MOTION FOR JUDGMENT OF ACQUITTAL  
OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED  
UPON NEW EVIDENCE WHICH DISPROVES THE  
ELEMENTS OF CHARGED CRIME BY PROSECUTION,  
EVIDENCE WARRANTING NEW TRIAL OR  
ACQUITTAL"

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville,  
Virginia

Ally of Q, Former news reporter of USWGO Alternative News  
JUSTICEFORUSWGO.WORDPRESS.COM





EXHIBIT INDEX PAGE 290 OF 317  
IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
Durham Division



Brian David Hill,  
Petitioner  
v.  
United States of America,  
Respondent

Case #  
1:13-CR-435-1  
1:17-CV-1036

STATUS REPORT  
OF PETITIONER  
SEPTEMBER 27, 2018

I, Brian David Hill ("Brian D. Hill", "Petitioner") in this § 2255 case, acting pro se in this manner, files this status report and Declaration updating the court for this case. Because of the current situation described herein, Petitioner requests a court appointed lawyer.

DECLARATION

I, Brian D. Hill, produce these statements, subject to the penalties of perjury under U.S. Code:

(1.) I am currently in Martinsville City Jail over a local criminal case and situation where it must be disclosed to the habeas court over what actually happened. Petitioner believes it is connected over the matter concerning and effecting this § 2255 case.

1



(2.) ON SEPTEMBER 18<sup>th</sup> 2018, Somebody was in the ~~the~~ thicket at the end of my neighbor's property and branches moved ~~the~~ whenever I looked in that direction. I was around the period when I was mowing the grass between the time period of 1 to 4 PM. That was a Tuesday. Likely surveilling me.

(3) On September 19, 2018, Wednesday, I called into a political talk show after Sandra Wilson invited me to call into a Family Court issues type of show on Blog Talk Radio, by a I believe it was a woman named Valerie K. Lazarus (hope I spelled it right). Told her about the fraud on the court concerning this case. We also spoke about the Americans with Disabilities Act and the one woman said how if I ~~have~~ had an IEP when I was in school, then they (I assume she meant police) can (or may) get in trouble for violating the Americans with Disabilities Act the way it was handled in regards to my criminal case.

(4) On September 20, 2018, Thursday, some of my memories may have been blacked out. I was under an extreme amount of stress and anxiety already due to the pre-filing injunction Motion. My whole family could tell. My mom had also noticed that my doors were not being kept locked. I was psychologically afraid to sleep in my bed. Sometimes sleeping on the couch and I had a bad feeling something <sup>bad</sup> would happen to me.



I was able to go the Massanutten Resort from Monday to Thursday last week in Rockingham County, VA, in my district. I think it was between Sept. 10 through 13/2018 if I am correct from memory. My family noticed that I didn't want to go back home. As if something was terrifying in my psychological mind, and I haven't kept my door or doors locked. Around 11 I went walking beside the road on the sidewalk and as I was around a warehouse or some kind of building near or around the Martinsville, VA downtown area ~~area~~ near the hiking trail of "Dick and Willie", I was approached by a man in a hoodie, probably some time between 11 to 12 that night. I think maybe between 5 to 6 feet tall, maybe white told me "You ~~had~~ had better take your clothes off in public and take pictures of yourself and place the SD card around the bench ~~water~~ after the bridge..." "or ~~they~~ they would kill my mom Roberta Hill". At one point I felt like I might collapse so I may have been drugged. I had to keep sitting on benches. I didn't want my mother to be killed. My weakness is my Mother. I gave a false confession in 2012 because of being told "You better fess up or else your mother would be held responsible." Whoever threatened me that night knew my weakness. If I walk to the police or don't do what that man said would my mom be shot full of holes while sleeping and killed?

be



I didn't know what to do. I kinda lost my mind when taking pictures of myself. If I didn't put on a good show would my mother be killed like the stuff in Hollywood action movies. I had a feeling it had something to do with the things brought up in my case. The threats from ~~torra~~ail.org messages which were successfully carried out. I knew I couldn't mess with these people, with a threat that serious. Out of fear and desperation I walked, were vehicles would see me with a hand gesture of my hand over my mouth. I was naked on the trail. I was trying to signal with that hand gesture that I was in trouble. I decided not to place the SD card at the bench, as how would they know? Maybe I could still go to the police and warn my mom. As I was walking back I saw a track with a spotlight on me with no way to tell who it was. I was scared so I ran and then noticed a red laser beam light like what private mercenaries, bad guys, and good guys all have. A light came on with a guy yelling at me. I didn't know who he was. I was scared it was them, going to kill me for not exactly following the hoatie guys directives. I ran, fell down the left side slope of the trail getting cuts and scrapes all over my body, until I fell in the ~~river~~ ~~bed~~ creek bed. They were down there and at that point I realized they were police.



I said over and over again while complying "I have Autism, I have Autism, I have Autism, I have Autism." I felt they couldn't hear me out. I said "I was attacked" told Sgt. R.D. Jones that I need to speak with a detective. It was probably around 3 to 4 AM at around Friday, September 21, 2018. He asked me why I was naked on the trail. I tried to explain to him as much of what happened as I could. He mistook my statement of heading towards the YMCA building with the warehouse and I told him "You don't understand Autism." maybe "are you trained in Autism?" Sgt. R.D. Jones said "how do I know you even have Autism?" I responded with Dennis Debbaut, a law enforcement trainer. He did a white paper. People with Autism can give false confessions and misleading statements. Officer you misunderstood what I said about the YMCA building." after or before my answer to his "how do I know you even have Autism?" was "it was in federal court records." He gave me that book where he didn't want to accept anything I said. He even said "If your lying to me, I will charge you with making (or filing) a false report." I looked at him straight in the eyes and said I am not lying, even told him something about "am I supposed to let my mother be killed" or something to that effect. He still wouldn't ~~even~~ accept what I had told him. I then told him "You don't understand Autism. You are violating title II of the Americans with Disabilities Act..."

5



I was being charged with "indecent exposure". I further told Sgt. R.D. Jones that I was going to win the jury trial and sue him for violating the ADA. Argument escalated to me saying to him "f\*ck You". At one point things cooled down and I was in a front of the TV with a Magistrate. She, the Magistrate, brought up about my federal criminal conviction and my 2015 Probation Violation. I explained to her that the case is under a habeas corpus 2255 review for my claim of "actual innocence" "actual innocence" or something to that effect. She assumed that it was some kind of an appeal. Told her that the probation violation was over U.S. Probation Officer Kristy L. Burton making false statements, which is perjury and may have mentioned that Anand Prakash Ramaswamy committed subornation of perjury, gave her the federal case number. Also mentioned about fraud on the court. I was given no bond that day. Was charged in Martinsville General District Court, case no. C18-3138. It might be named as Commonwealth of Virginia v. Brian David Hill. At one point I told Sgt. Jones that "you are not doing anything about the drug dealers in my (or our) neighborhood" that the FBI are not doing anything about the threats, I don't trust the police.

(5) On September 26, 2018, I had filed a request form for the jail directing that it be forwarded to MPD Sgt. R.D. Jones with more statements incl. a Declaration as evidence.

6



I explained that witness Roberta Hill had received a threatening "greeting card" postmarked Tennessee. She received some point (or some time) this year. It had no return address. Gave the officer her phone number.

Then I said under Declaration on the back of that "Request for Interview" form that my first received formail.org ~~mess~~ message said that I was set up with child porn, that Alex Jones... and others were next. <sup>my friends</sup>

(c)  
Some  
information  
omitted

I gave this federal criminal case number, cited Document #46 Declaration of Susan Basko. Then ~~told him a~~ told him in writing about the threatening message that was reported to J. Joy Strickland counsel to the N.C. Department of Justice. I explained that one part of the threatening email message said that I would be set up with violent sex crimes if I don't watch my back. If my mother being killed if I ~~didn't~~ didn't walked naked in public and take pictures, the "~~indecent~~ indecent exposure" charge may legally be defined as a "violent sex offense". The threats went from formail.org to being physical. I was set up with the violent sex crime of "indecent exposure" just like the 2013 formail threat said would happen.

While I am incarcerated my diabetic blood sugar reads are getting a lot of highs right now. In the 300's 400's, and 500's. I am suffering nerve pain, and other bad effects of high blood sugar.



The Court may request a copy of my September 26, 2018 filed "Request for interview" form from Martinsville, VA City Jail at P.O. Box 1326, Martinsville, VA 24112, or at 300 Clearview Drive, same city. That way that can expand the record for this § 2255 case.

(6) Petitioner requests that an attorney be appointed at this interval for his 2258 case since this incarceration is at a facility that:

(1) Has no law library. The Public Defender in Martinsville cannot represent me for this 2255 case;

(2) Paper and resources are highly limited as per Jail's "rules and regulations". Stamps and envelopes also limited. I won't be able to make valid pleadings compliant with this Court's rules while incarcerated and very limited access to resources needed for this case. I won't be able to properly cite court rules, case law, and statutes while incarcerated; or may

(3) While incarcerated I will not be able to bring up evidence if the habeas court requests;

(4) Be at a large disadvantage, which deprives me of due process under the 14th Amendment of U.S. Constitution. Being deprived of my ability to prove factual innocence in my 2255 case.

If the court cannot appoint court appointed counsel for this 2255 case, alternatively Petitioner asks this honorable Court to delay this 2255 case until Petitioner is not under incarceration.



(7) I make this PROCLAMATION to the hon. Court, to my Mother and family, to the U.S. Probation office, and to Martinsville District Court. The incident of "indecent exposure" is considered isolated and out of character. I swear under oath that it will never happen again. Charge is of a technical nature. I was threatened to get naked I never masturbated, it was a crazy ~~and~~ incident. Whoever threatened me needs to be charged and arrested. My mother hates me over what happened I'm sorry mom I was scared and didn't know what to do. I didn't want my mom to die. I am sorry for leaving around 11. The threats coming at me, the fear, the bad feeling in my gut. Next time I'm threatened I will report to police state police, and FBI. What I did on the hiking trail and leaving without telling my mom, will never ever happen again. I'm tired of the Legal Terrorism, the criminal threats, and being afraid. I just want to prove my actual innocence and move on with my life. I am tired of feeling afraid for my family and my life. It's tearing me apart. My family can tell my health is degrading. I provided so much evidence to the Habeas Court please let me prove my innocence, have an evidentiary hearing. I have facts of innocence. Let me prove it. People with Autism can be manipulated, easily threatened, abused.

(8) Before this charge, I was working on a ~~Rule~~ Rule 11 Motion for sanctions, case law Chambers v. Nasco Supreme Court case (fraud on the court), and citing state bar rule 3.8. I was going to show fraud on the court in the Respondent's factual basis of guilt, in their pre-filing injunction motion, and in the motion to dismiss.



I wanted to show the fraud on the court by Respondent. Give them 21 days (maybe 25 days) to respond before filing, then the court can decide under Chambers v. NASCO whether Respondent's Motions should be summarily denied. Subornation of perjury by Anand P. Ramaswamy is already a fraud on the court in 2015. Respondent's resistance to me proving my innocence clearly violates Rule 3.8 of the state's Model Rules of Professional Conduct. N.C. State Bar. Rule 11 sanctions may be appropriate. I will serve them a rule 11 motion copy once released from jail. To resolve the issues between Respondent and Petitioner, Petitioner requests that the U.S. Attorney General appoint special counsel to represent Respondent for this \$2255 case.

Thank You!

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 27, 2018.

Respectfully filed with the court, this the 27<sup>th</sup> day of September, 2018. Brian D. Hill  
Signed

### CERTIFICATE OF SERVICE

Petitioner certifies that he dropped this status report in the Jail institution's mailbox on September 27<sup>th</sup> 2018, addressed to the Clerk, respectfully requests that all parties to the case are served by CM/ECF or by U.S. mailing. Petitioner asks Clerk to mail ~~the~~ letter certifying receipt of this pleading.

10

Brian D. Hill  
Signed

Brian David Hill  
Martinsville City Jail  
P.O. Box 1326  
Martinsville VA 24112

Clerk: Please send letter confirming receipt.



## Declaration and reCertificate of service

Brian David Hill v. United States ~~10~~ October <sup>10</sup> 2018

I Brian David Hill had mailed the wrong address and ~~is~~ refiled the "Status Report of Petitioner September 27, 2018" on October 10, 2018. The address was mailed to 324 W. Market Street, Suite 1, Martinsville, VA 24112. That address was incorrect. It should have been 324 W. Market Street, Suite 1, Greensboro, NC 27401.

So I recertify under the CERTIFICATE OF SERVICE that I file the pleading on Oct. 10, by depositing the pleading in an envelope prepaid in the Jail's mailing system. Again, I ask the Clerk to send me a letter acknowledging receipt of this pleading, and notify me which Document no.'s or I ask that my docket sheet be printed and sent to me showing my last ~~few~~ few entries.

I learned from Martinsville City Jail that I am limited by Jail policies to 1 short ink pen per month, 5 envelopes per week, no law library at all, and they have to destroy all envelopes including legal mail envelopes directed to inmates in MCJ. Envelopes are evidence but Jail officers can destroy envelopes including mail envelopes from Federal Courts. The Jail's policies seem unconstitutional and block me from continuing to ~~proceed~~ proceed in this 2255.

I ask that I be appointed a lawyer for my 2255.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 10, 2018.

Brian D. Hill  
Signed

U.S.W.G.O.

Brian David Hill  
Martinsville City Jail (MCJ)  
P.O. Box 1326, Martinsville, VA  
24112



# **EXHIBIT 25: Declaration of Brian David Hill in support of continuing Supervised Release, towards innocence in case, Case 1:13-cr-00435-TDS, Document 163, Filed 12/12/18, 6 Pages for**

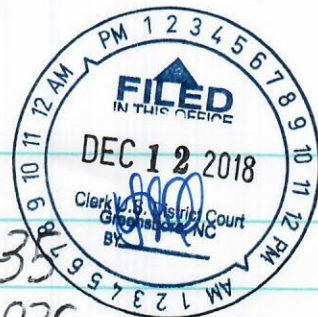
attached to: "MOTION FOR JUDGMENT OF ACQUITTAL  
OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED  
UPON NEW EVIDENCE WHICH DISPROVES THE  
ELEMENTS OF CHARGED CRIME BY PROSECUTION,  
EVIDENCE WARRANTING NEW TRIAL OR  
ACQUITTAL"

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville,  
Virginia

Ally of Q, Former news reporter of USWGO Alternative News  
JUSTICEFORUSWGO.WORDPRESS.COM





Brian David Hill,  
Defendant/Petitioner,

Case no.  
1:13-cr-435  
1:17-cv-1036

V.

United States of America  
Plaintiff/Respondant

Declaration of Brian David Hill in support of continuing  
Supervised Release, towards innocence in case

NOW comes criminal defendant and 2255 Petitioner  
Brian David Hill ("Brian", "Hill") with a Declaration in  
support of his innocence/non-guilt in "Commonwealth of  
Virginia v. Brian David Hill," case no. C18-3138, and  
support of compliance with Supervised Release which  
means it should continue instead of revocation.

### Declaration

I, Brian David Hill, make/produce the following statements,  
and subject to the penalties of perjury thereof:



(1.) After I was threatened by the guy wearing the hoodie to get naked ~~on~~ in public, take photos of myself place them at the drop off point, a bench after Southern Finishing Factory, or as he said they will "Kill your mother Roberta Hill" referring to her first and last name. It was after midnight on the Dick and Willie trail which became September 21, 2018, still at night. I took the photos of myself around the part of Dick and Willie where an warehouse called Greene Co. Inc. was, around that area. The warehouse seem abandoned, the hiking trail had trees, a lot of trees and hills. Nobody was on the trail, nobody walked the trail at night. I had worried that a drone may have followed me to ensure that I comply with the directives of the guy wearing the hoodie. I didn't want to take any chances in case there was any drones or anybody following me. At one spot, I mean the area around Greene Co. Inc., nobody around, parking area of hiking trail empty, plenty of trees for cover if I had to. I took my pictures with my camera, to satisfy them, to make sure that my mother was safe. I never masturbated at all. My OCD was really bad, hand washing and body washing routines. There was no warm water and soap out there. I was worried about high blood sugar and low blood sugar, I was worried about my mother. Had some sugar cans, so I wouldn't die of low blood sugar. I was on my own.



Nobody saw me for miles I think, till I got to the point of the Dick and Willie trail where Southern Finishing factory was. The road close to the trail where a vehicle went by and must of seen me. I put my hand over my mouth, that was my left hand as a signal to any vehicles that I was in trouble and couldn't talk, flash light in right hand when I was seen, flash light off when I was seen by a moving vehicle. Then a truck with a spotlight showed up, I didn't know who they were, never identified themselves. I was afraid I upsetted the guy in the hoodie or his people, so I grabbed my backpack and ran back down the trail, tripped over rocks beside the trail right where some abandoned factory or warehouse was close to the fire department. I tried to go back on the trail, saw a little red light, a guy turned on a flashlight, I was spooked so I ran and fell down the side of the trail, towards the creek, cuts all over my body, I likely hit my head. Then I was at the creek area, on a rock, the police where there, I finally realized that they were police and not goons working with or for the guy wearing the hoodie. I was handcuffed, told them "I was attacked", told them over and over again that I have Autism, like "I have Autism... I have Autism... I have Autism... I have Autism." I told the police that I wanted to speak with a detective. I felt relieved that it wasn't the guy in the hoodie or any goons.



Even though I fell down the slope, cuts all over my body, my head likely got hit, I told the police officer, he appeared to have activated his body camera, I was shaken up but I tried to explain the situation as best as I could, I told him I have Autism. I tried to tell him about the guy in the hoodie, I was taken in an ambulance to the hospital, my mother and grandparents showed up, told them as much as I could what had happened. At one point I think that man was Officer R. D. Jones of Martinsville Police. He said that if I am lying, that I can be charged with filing a false report. I looked at him straight in the eyes and told Officer Jones that I told him the truth, all of that went on at the hospital. I was advised that I would be placed under arrest. Nobody walked on the trail when I was seen, hand over my mouth, guy in the hoodie, only time I was seen was the part of the trail where Southern Finishing factory was, where vehicles go by, but hardly any traffic at night. I signaled that I was gagged, that was why my hand was over my mouth. I never masturbated, I told the police the truth.

When I was seen by a passing vehicle, I never masturbated, hand over my mouth and other hand with a flashlight.

(20) My attorney told me that unless I was aroused and masturbated, I wasn't doing anything indecent. He says that I am innocent, I mean not-guilty of indecent exposure.



Attorney said that I can bring up about the guy wearing the hoodie. Said that under the law, I would have to have masturbated or be aroused in public to have committed indecent exposure. After he heard my story about the guy in the hoodie, he said taking pictures of myself is not illegal. So he argued that I am technically innocent, essentially. When the trial date comes I want to testify and hope I have a copy of this Declaration, explain my story about the guy in the hoodie who had threatened to kill my mother, tell the whole story. I am confident I will be found innocent. In the event that I am found not-guilty, I hope the detainer is reversed or that the Probable cause hearing will dismiss the Supervised Release violation on the basis that I am found innocent in the Virginia criminal case. I pray that I am released promptly, in the event of an innocence verdict.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 29, 2018.

Brian D. Hill  
Signed

Brian David Hill (Pro Se)  
#302165  
Martinsville VA City Jail  
P.O. Box 1326  
Martinsville, VA 24114  
U.S.W.G.O.



Respectfully filed with the Court, this the 29th day of November, 2018.

### Certificate of Service

I, Brian David Hill, certify that I mailed the foregoing pleading by depositing in a prepaid envelope in the Institution's mailing system on December 3, 2018. Then under the In Forma Pauperis statute, I request that the Clerk of the Court file this pleading, then serve all parties to this case by Notice of Electronic Filing through the CM/ECF system which will notify such parties.

Brian D. Hill  
Signed

Brian David Hill (Pro Se)  
#302165  
Martinsville City Jail  
P.O. Box 1326  
Martinsville VA 24114  
55 West Church Street  
Martinsville, VA 24112  
U.S.W.G.O.



**EXHIBIT 26: URGENT!!!! LETTER TO MEDICAID  
REQUESTING RECORDS REGARDING FINANCIAL  
BILLING STATEMENTS OF SOVAH HEALTH  
MARTINSVILLE; REQUESTING FINANCIAL  
RECORDS OF BRIAN DAVID HILL, REQUESTING  
RECORDS OF HIMSELF; RECORDS OF LAB WORK  
ORDERED ON SEPTEMBER 21, 2018 - SATURDAY,  
JULY 16, 2022**

**for**

attached to: “MOTION FOR JUDGMENT OF ACQUITTAL  
OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED  
UPON NEW EVIDENCE WHICH DISPROVES THE  
ELEMENTS OF CHARGED CRIME BY PROSECUTION,  
EVIDENCE WARRANTING NEW TRIAL OR  
ACQUITTAL”

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville,  
Virginia

Ally of Q, Former news reporter of USWGO Alternative News  
JUSTICEFORUSWGO.WORDPRESS.COM



**URGENT!!!! TWO WEEK DEADLINE FOR MY WRIT OF HABEAS  
CORPUS REPLY TO RESPONSE REQUESTING DISMISSAL, NEED  
RECORDS FAST!!!**

LETTER TO MEDICAID REQUESTING RECORDS REGARDING  
FINANCIAL BILLING STATEMENTS OF SOVAH HEALTH  
MARTINSVILLE; REQUESTING FINANCIAL RECORDS OF BRIAN  
DAVID HILL, REQUESTING RECORDS OF HIMSELF; RECORDS OF  
LAB WORK ORDERED ON SEPTEMBER 21, 2018

SATURDAY, JULY 16, 2022

ATTN: FOIA Coordinator, attention Nancy Malczewski 600 East Broad Street, Suite 1300, Richmond, VA 23219; <a href="mailto:FOIA@dmas.virginia.gov">FOIA@dmas.virginia.gov</a>	Fax Number: 804-371-4981 Phone Number: 804-371-6391
<b>CC: Sovah Health Martinsville</b> 320 Hospital Dr, Martinsville, Virginia, 24112-1900	Phone Number: 276-666-7200

To Whom it may Concern,

I am filing this FOIA request for records regarding myself. Records of a financial nature regarding care conducted at Sovah Hospital on September 21, 2018, and November 19, 2017. Medicaid was either billed on September 21, 2018, or was paid for in 2019 when I was out of an institution in May, 2019, and may have been billed and asked that Medicaid pay for it, was it was an Emergency Room visit at the Hospital. However, the billing statement I am asking for is Medicaid paying for my Emergency Room visit at Sovah Hospital on September 21, 2018. May 26, 1990 is my date of birth.

I am Brian David Hill. I am currently a Medicaid enrolled individual who needs records concerning myself. Records of a financial nature as my mental health counselor suggested to me that obtaining certain billing statements and financial records will help me in proving my innocence to my state charge, by finding evidence of either cover up of ordered laboratory testing or medical neglect. I need these records to prove my innocence in my state charge and conviction of indecent exposure. I already have my

medical records but not the laboratory results as they said it was deleted from the chart, but the **financial records would prove either medicaid fraud if the lab tests were paid for by Medicaid but no lab work was produced after it was paid for, or it would prove that no lab tests were done at all and no financial costs were billed for lab work.** **Blood was drawn from Brian Hill's arm on September 21, 2018.** So there should be a billing statement for that, but was there a billing statement for the lab results or even the blood drawn out of Brian's arm? That is what I want to figure out.

I have a two week deadline started yesterday to file a reply to the Habeas Corpus response requesting dismissal of Habeas Corpus claiming no medical evidence of innocence but the records would help prove innocence of a medical nature, my only income is Social Security SSI disability and I go through that money every month, as needs based income. So I ask that any fees be waived since it is just small number of records and only two dates. I need those records to prove something, it is necessary to prove my actual innocence. If there are any fees and they cannot be waived, please inform me of the cost to obtain these records. They would be easy to search for since I am giving you my Social Security Number and other relevant information necessary to quickly find these records.

I would like to request copies of financial records regarding Medicaid being billed regarding Emergency Room visits billed for my account at Sovah Health Martinsville Hospital, records only concerning myself; I have a two week deadline which started yesterday, and I quickly need copies of certain dates of financial records regarding medical procedures done to me at this Hospital on two specific dates. Including drawing of blood from my arm, the lab tests ordered, and I want to know why it was removed from my chart after being ordered. Was it cover up by Dr. Brant Hinchman or neglect???

I am Brian David Hill, I was the patient in the EMERGENCY ROOM on the dates of both September 21, 2018, and November 19, 2017.

**My Social Security number is [REDACTED] 0319.** My date of birth is **May 26, 1990.** I need a copy of these records for myself and for purposes of proving my actual innocence. As quick and cheaply as possible.

The financial records requested is regarding payment and date of payment for all procedures administrated and charged to me in my account for the Hospital. All procedures including (1) any medical procedures done including any laboratory work,

and blood being drawn from arm of Brian David Hill; (2) any medications given, any other financial transaction regarding any and all procedures billed as it was administered or was supposed to be administered to me while I was in the Emergency Room on both the dates of September 21, 2018, and November 19, 2017.

I already have my medical records as I had requested them in 2019. There is gaps in the medical records such as missing lab results and to be deleted from the chart, wasteful medical procedure such as drawing blood from the arm of Brian Hill but they did order the lab testing and later on it was to be deleted from the chart. I do not have a copy of my financial records regarding Hospital fees for every procedure conducted including drawing blood from the arm, and costs billed to me and my account at those times regarding any and all procedures done on both September 21, 2018, and November 19, 2017. I need these records for purposes of proving actual innocence. I need these records URGENTLY.

Please advise me on the cost to receive a copy of these records, records concerning myself. You can email them to Roberta Hill. Roberta Hill, my caretaker has authorization to receive these financial records by email in PDF Format or whatever file format you have available. Preferably in PDF Format. You can email these financial records concerning myself to Roberta R. Hill at [rbhill67@comcast.net](mailto:rbhill67@comcast.net). A copy of these financial records are needed quickly. My mother and caretaker, she has authorization to receive my records.

My only income is SSI disability but with the limited deadline to obtain these records, I need these financial records and billing records of every procedure done to me and every procedure billed to Medicaid of my visit to the Emergency Room on the dates of September 21, 2018, and November 19, 2017. It is very important. The medical records which are helpful but are not financial records of the costs of the procedures and what procedures were administered and paid for. I need the financial part of the medical records. That would be accountants and the billing department which can help respond to my request. My insurance which is part of Medicaid was Virginia Premier. I think they were my provider back in 2018 and 2019.

My request also includes any billing statement made to me for the procedures done on those dates.

Please let me know the costs to obtain a copies of financial records regarding billing statements and the records regarding the costs/fees charged to my account at

Sovah Health Martinsville for being a patient on the dates of both September 21, 2018, and November 19, 2017. If Medicaid was charged, then they should have a copy of both the financial statements and laboratory testing results.

Also as part of my FOIA request, if Medicaid does have my laboratory testing results, the Hospital deleted them from the chart for my medical records there. If Medicaid has my lab testing results on September 21, 2018, please send them to me as I need to know about my blood levels. I was under Carbon Monoxide poisoning on the day I was found naked and was charged with indecent exposure. I was intoxicated at the time of my arrest and at the time I was found naked. The lab testing results would have proven this, it would prove defense of intoxication which would prove my innocence to indecent exposure. I need the lab results if Medicaid has a copy of it before it was to be deleted from the chart.

Thank You. Respectfully filed with Medicaid FOIA Office, this the 16th day of July, 2022.

  
Signed  
Brian D. Hill

God bless you,  
Brian D. Hill  
310 Forest Street, Apartment 2  
Martinsville, Virginia 24112  
(276) 790-3505

**EXHIBIT 27: LETTER TO SOVAH  
HEALTH MARTINSVILLE REQUESTING  
FINANCIAL RECORDS OF BRIAN  
DAVID HILL, REQUESTING RECORDS  
OF HIMSELF - MONDAY, JULY 11, 2022  
for**

attached to: "MOTION FOR JUDGMENT OF ACQUITTAL  
OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED  
UPON NEW EVIDENCE WHICH DISPROVES THE  
ELEMENTS OF CHARGED CRIME BY PROSECUTION,  
EVIDENCE WARRANTING NEW TRIAL OR  
ACQUITTAL"  
by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville,  
Virginia

Ally of Q, Former news reporter of USWGO Alternative News  
JUSTICEFORUSWGO.WORDPRESS.COM





LETTER TO SOVAH HEALTH MARTINSVILLE REQUESTING  
FINANCIAL RECORDS OF BRIAN DAVID HILL, REQUESTING  
RECORDS OF HIMSELF

MONDAY, JULY 11, 2022

<b>Sovah Health Martinsville</b> 320 Hospital Dr, Martinsville, Virginia, 24112-1900	Phone Number: 276-666-7200
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To Whom it may Concern,

I am Brian David Hill. I would like to request copies of financial records regarding my account at this Hospital, records only concerning myself as I may be under audit and I need copies of certain dates of financial records regarding medical procedures done to me at this Hospital on two specific dates.

I am Brian David Hill, I was the patient in the EMERGENCY ROOM on the dates of both September 21, 2018, and November 19, 2017.

My Social Security number is [REDACTED] 0319. My date of birth is May 26, 1990. I need a copy these records for myself and for purposes of audit. As quick and cheaply as possible.

The financial records requested is regarding payment and date of payment for all procedures administrated and charged to me in my account for the Hospital. All procedures including (1) any medical procedures done including any laboratory work, (2) any medications given, any other financial transaction regarding any and all procedures done to me while I was in the Emergency Room on both September 21, 2018, and November 19, 2017.

I already have my medical records as I had requested them in 2019. I do not have a copy of my financial records regarding Hospital fees and costs billed to me and my account at those times regarding any and all procedures done on both September 21, 2018, and November 19, 2017. I need these records for purposes of being audited. I need these records URGENTLY.

Please advise me on the cost to receive a copy of these records, records concerning myself. I can pick them up in person or you can mail them to me. You can email them to Roberta Hill. Roberta Hill, my caretaker has authorization to receive these financial records by email in PDF Format or whatever file format you have available. Preferably in PDF Format. You can email these financial records concerning myself to Roberta R. Hill at [rbhill67@comcast.net](mailto:rbhill67@comcast.net). A copy of these financial records are needed quickly.

My only income is SSI disability but with the possible audit, I need these records of my visit to the Emergency Room on the dates of September 21, 2018, and November 19, 2017. It is very important. The medical records which are helpful but are not financial records of the costs of the procedures and what procedures were administered and paid for. I need the financial part of the medical records. That would be accountants and the billing department which can help respond to my request.

My request also includes any billing statement made to me for the procedures done on those dates.

Please let me know the costs to obtain a copy of my billing statements and the records regarding the costs/fees charged to my account for being a patient on the dates of both September 21, 2018, and November 19, 2017.

Thank You. Respectfully filed with Sovah Health Martinsville, this the 11th day of July, 2022.

  
Signed  
Brian D. Hill

God bless you,  
Brian D. Hill  
310 Forest Street, Apartment 2  
Martinsville, Virginia 24112  
(276) 790-3505



**EXHIBIT 28: Scanned photocopy of  
envelope containing "EXHIBIT 2:  
SOVAH HEALTH MARTINSVILLE  
(LOCAL HOSPITAL) BILLING  
RECORDS OBTAINED JULY 19, 2022 –  
DATED SEPTEMBER 21, 2018"**

**for**

attached to: "MOTION FOR JUDGMENT OF ACQUITTAL  
OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED  
UPON NEW EVIDENCE WHICH DISPROVES THE  
ELEMENTS OF CHARGED CRIME BY PROSECUTION,  
EVIDENCE WARRANTING NEW TRIAL OR  
ACQUITTAL"

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville,  
Virginia

Ally of Q, Former news reporter of USWGO Alternative News  
JUSTICEFORUSWGO.WORDPRESS.COM



  
**SOVAH**  
HEALTH  
MARTINSVILLE

320 Hospital Drive  
Martinsville, VA 24112

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ZIP 24112 \$ 000.81<sup>0</sup>  
02 4W  
0000377498 JUL 26 2022

Brian Hill  
310 Forest St Apt 2  
Martinsville VA 24112

Received on  
July 29 2022  
Brian D. Hill  
signed

24112-421010

